

EXHIBIT 1

**REDACTED VERSION OF
DOCUMENT SOUGHT TO BE
SEALED**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF CALIFORNIA**

No. 5:14-cv-05344-BLF

CISCO SYSTEMS, INC.,

Plaintiff

v.

ARISTA NETWORKS, INC.,

Defendant

**Expert Report and Disclosure of Cate M. Elsten
3 June 2016**

Confidential: Attorneys' Eyes Only Information

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I. INTRODUCTION

I understand that Cisco Systems, Inc. (“Cisco” or “Plaintiff”) has alleged that certain of its U.S. copyrights (“copyrights-at-issue”) have been infringed by Arista Networks, Inc. (“Arista” or “Defendant”), as asserted in the Second Amended Complaint for Copyright and Patent Infringement in this matter (“the Complaint”).¹ These copyrights principally concern “command line interfaces” (“CLIs”), which are user interfaces implemented in software, as discussed in Section III, below. I further understand that Arista’s defenses include, among others, a claim that any use it may have made of Cisco’s asserted copyrights constitutes “fair use” under U.S. copyright law. In determining whether use of a copyright is fair use, four statutory factors are considered;² other non-statutory factors may also be considered. I have been retained by Arista to provide, among other things, my opinions regarding the fourth statutory fair-use factor, “the effect of the use upon the potential market for or value of the copyrighted work.”

Section II of this report discusses my qualifications.

Section III of this report provides background information on the copyrights-at-issue, the parties, Cisco’s allegations, and other information pertinent to my analyses.

Section IV of this report provides my opinions relating to the fourth statutory fair-use factor. My opinions at this time are based on an independent examination of documents and other discovery produced in this case, conversations with Arista personnel and independent experts,³ and certain third party sources as disclosed in my report text and Appendix A.

Section V discloses information on my compensation for services.

I understand that discovery, including expert discovery, is ongoing, and information may yet become available that will bear on my final opinions. To the extent additional relevant information comes to light, including but not limited to supplemental productions from the parties, reports from either party’s expert(s), rulings from the Court and any additional materials produced through discovery or otherwise made available, I may amend or supplement my opinions as necessary and permitted by the Court.⁴

This report has been prepared in connection with the above referenced case. The report is to be used for the specific purposes of this litigation and is not to be used for any other purpose without my express written consent and that of Ocean Tomo.

¹ Second Amended Complaint for Copyright and Patent Infringement (“Second Amended Complaint”), filed July 23, 2015.

² 17 U.S.C. § 107.

³ To date, I have spoken with consultant William Seifert, consultant John Black, and Arista Chief Financial Officer Ita Brennan.

⁴ I understand that Cisco has not yet produced financial data for its products that include the copyrights-at-issue. I respectfully reserve the right to amend or supplement my opinions in this report once such data has been produced.

II. QUALIFICATIONS INCLUDING PUBLICATIONS AND TESTIMONY

I am a Managing Director for Ocean Tomo, a firm that provides financing, asset and risk management, merger and acquisition consulting, expert services in litigation and valuation of intellectual capital. I have been a consultant on intellectual property and corporate finance matters since 1990. Prior to its acquisition by Ocean Tomo, I served as the Principal in charge of the Intellectual Property and Dispute Services Practice of Tait Advisory Services LLC. Until November 2001 I was a Partner for PricewaterhouseCoopers, L.L.P. I had previously served in various positions for one of its predecessor firms, Coopers & Lybrand, ultimately serving as National Director for Trademark and Copyright Matters. From 1990 to 1992 I was a manager for Ernst & Young.

Before 1990 I had over eleven years of industry experience in financial, marketing and accounting management positions for entertainment, retail and consumer products companies. My positions included Chief Financial Officer for Cleveland's Playhouse Square Center, Senior Corporate Sales and Marketing Analyst for Dayton Hudson Corporation's Target Stores Division (now Target Corporation), Manager of Financial and Strategic Planning for Aveda Corporation (now a division of Estée Lauder) and Chief Operating Officer for Sign Consultants, Inc.

I have experience developing strategies and participating in negotiations for the purchase, sale and licensing of ongoing businesses and tangible and intangible assets, both as a consultant and in my positions in industry. I am a Certified Licensing Professional and a Certified Management Accountant. I am also a member of the Licensing Executives Society and the International Trademark Association, for whom I served three consecutive terms on the editorial board of The Trademark Reporter. I am a past member of the Board of Governors for the Brand Name Education Foundation and a current member of the American Marketing Association. I hold a Bachelor of Arts degree from Oberlin College and a Master of Arts degree in Business from the University of Wisconsin-Madison.

My professional publications within the past ten years and a list of cases in which I have previously provided oral testimony are included in Appendix B to this report.

III. BACKGROUND

A. Understanding of Legal Standards

I understand that the U.S. Copyright Act gives authors exclusive rights over some, but not all, uses of their copyrighted works. As the Supreme Court has stated:

*The limited scope of the copyright holder's statutory monopoly, like the limited copyright duration required by the Constitution, reflects a balance of competing claims upon the public interest: Creative work is to be encouraged and rewarded, but private motivation must ultimately serve the cause of promoting broad public availability of literature, music, and the other arts.*⁵

Thus, I understand that “[t]he fair use doctrine ‘permits and requires courts to avoid rigid application of the copyright statute when, on occasion, it would stifle the very creativity which that law is designed to foster.’”⁶

I further understand that fair use is an affirmative defense against copyright infringement, meaning that if the use of copyrighted materials qualifies as fair use there is no infringement.⁷ In determining whether the use made of a copyrighted work is a fair use, factors to be considered include:

- 1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2) the nature of the copyrighted work;
- 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- 4) the effect of the use upon the potential market for or value of the copyrighted work.⁸

These four statutory factors must be considered “to determine whether the public interest in the free flow of information outweighs the copyright holder’s interest in exclusive control over the work.”⁹ I understand that these four factors are not exhaustive, however, and that courts may consider other factors as well.¹⁰ I further understand that these factors are to be viewed “as guidelines for ‘balancing the equities,’ not as ‘definitive or determinative’ tests.”¹¹

⁵ *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151, 156, 95 S. Ct. 2040, 2044, 45 L. Ed. 2d 84 (1975).

⁶ *Seltzer v. Green Day, Inc.*, 725 F.3d 1170, 1175 (9th Cir. 2013) (quoting *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 577 (1994)).

⁷ 17 U.S.C. § 107 (no infringement if use is fair); *Fox Broad. Co. v. Dish Network L.L.C.*, 723 F.3d 1067, 1074 (9th Cir. 2013) (fair use is affirmative defense).

⁸ 17 U.S.C. § 107.

⁹ *Lamb v. Starks*, 949 F. Supp. 753, 757 (N.D. Cal. 1996) (quoting *Hustler Magazine, Inc. v. Moral Majority, Inc.*, 796 F.2d 1148, 1151 (9th Cir. 1986)).

¹⁰ <http://www.copyright.gov/fair-use/more-info.html>.

¹¹ *Dr. Seuss Enters., L.P. v. Penguin Books USA, Inc.*, 109 F.3d 1394, 1399 (9th Cir. 1997) (citation omitted).

My analysis in this report considers the fourth statutory factor, which focuses on the impact of the alleged infringement on the copyright owner's (here, Cisco's) ability to exploit its original work. I understand that such an analysis must consider two general questions:

- Whether the defendant's use has significantly harmed the copyright owner's market for the original work. This is a fact-specific inquiry that determines what harm has already occurred.¹²
- Whether "unrestricted and widespread" use by others would adversely affect the potential market for the original work.¹³ This requires an assessment to determine what type of impact widespread use would have on the original work's market.¹⁴

In considering whether and to what extent harm has occurred or may occur, I understand that courts will often consider whether the defendant's use amounts to mere duplication of the entirety of an original such that it clearly supersedes the object of the original and serves as a market replacement for it.¹⁵ I further understand that the commercial nature of the use is an element to be considered under this factor, but is not necessarily decisive.¹⁶ I also understand that "the importance of this [fourth] factor will vary, not only with the amount of harm, but also with the relative strength of the showing on the other factors."¹⁷ Some courts have held that, where a defendant's work is comprised of substantially more than the allegedly infringing material, "the relevant market effect is that which stems from defendant's use of plaintiff's 'expression,' not that which stems from defendant's work as a whole."¹⁸ Additionally, I understand that if the defendant's use is found to be 'transformative,' market substitution is less certain, and market harm cannot be inferred.¹⁹

Finally, I understand that the issues affecting this fourth factor may overlap, in some respects, with Cisco's allegations of market impact in support of its alleged copyright damages and Arista's responses to those allegations. To my knowledge, Cisco has not yet presented any analysis or other disclosure of such an alleged impact. I am addressing these issues here proactively, and respectfully reserve the right to respond to any such analysis or evidence if and as presented by or on behalf of Cisco. Insofar as the issues overlap, my responses to Cisco's allegations of market impact (assuming Cisco makes such allegations) may also be relevant to the fourth fair use factor.

¹² *Harper & Row, Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 567, 568 (1985).

¹³ *Id.*

¹⁴ *Princeton Univ. Press v. Mich. Document Servs., Inc.*, 99 F.3d 1381, 1387-1388 (6th Cir. 1996); *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 451 (1984); <http://www.dmlp.org/legal-guide/fair-use>.

¹⁵ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994).

¹⁶ *Sega Enterprises Ltd. v. Accolade, Inc.*, 977 F.2d 1510 (1992);

Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984).

¹⁷ *Campbell*, 510 U.S. at 590-91, n.21.

¹⁸ *Arca Inst., Inc. v. Palmer*, 970 F.2d 1067, 1078 (2d Cir. 1992) (emphasis added); see also *Wright v. Warner Books, Inc.*, 953 F.2d 731, 739 (2d Cir. 1991) (holding that the "effect on the market must be attributable to the [alleged infringement].")

¹⁹ *Campbell*, 510 U.S. at 589-91.

B. The Parties

1. Cisco

Cisco Systems, Inc. (“Cisco”) was incorporated on December 10, 1984 and is headquartered in San Jose, CA.²⁰ The company designs, manufactures, and sells Internet protocol-based networking and other products related to the communications and information technology industry. Cisco groups its products and technologies into various categories, including Switching, Next-Generation Network (NGN) Routing, Collaboration, Service Provider Video, Data Center, Wireless, Security, and other products. These products, primarily integrated by Cisco’s Internetwork Operating System (“IOS”) software, link geographically dispersed local-area networks (LANs), metropolitan-area networks (MANs) and wide-area networks (WANs).²¹

2. Arista

Arista Networks, Inc. (“Arista”) was founded in November 2004 and is headquartered in Santa Clara, CA. The company delivers software-driven cloud networking solutions for large data center and computing environments.²² Its products include network switches that it uses to build scalable data centers for approximately 3,500 customers worldwide.²³ Arista’s Extensible Operating System (“EOS”) network operating system runs on all its products.²⁴

C. Relevant Products and Features

1. Networking Equipment

a. Routers

Routers are devices that connect networks, thereby linking computers to the Internet. The router directs data packets from one router to another through the network until it reaches its destination.²⁵ The router directs data packet traffic by choosing the best path for information to travel so that it is received quickly.

Cisco is the world’s leading producer of network routers. Its competitors include Juniper and 3Com, among others.²⁶ Arista does not produce routers.

²⁰ www.reuters.com/finance/stocks/companyProfile?symbol=CSCO.O.

²¹ *Id.*

²² https://www.arista.com/assets/data/pdf/Corporate_Background.pdf.

²³ *Id.*

See also <https://www.arista.com/en/products/switches>

²⁴ https://www.arista.com/assets/data/pdf/Corporate_Background.pdf

²⁵ https://www.cisco.com/cisco/web/solutions/small_business/resource_center/articles/connect_employees_and_offices/what_is_a_network_switch/index.html.

²⁶ Frost & Sullivan, World Enterprise Router Markets, 2006, p. 1-12.

b. Network Switches

Network Switches serve as controllers that enable networked devices to communicate with each other efficiently, sharing information and allocating resources. Many businesses use network switches to connect computers, printers and servers within a building or office campus.²⁷ Managed network switches are configurable and provide more flexibility and capacity since they allow for management locally or remotely. In comparison, unmanaged network switches do not have to be configured and there is less effort needed for installing or setting up the switch. However, unmanaged switches do not have as much network capacity. Managed switches tend to be used for business networks while unmanaged switches tend to be used for home networking equipment.²⁸

Cisco is the world's leading producer of managed network switches. Its competitors for switches include HP, Huawei, Juniper, Dell, Arista and others. Data from Crehan Research and IDC Research for 2015 shows the following revenue market shares for the total worldwide Ethernet switches and for high-speed Ethernet data center switches (excluding Blade).^{29,30}

Figure 1
2015 Worldwide Vendor Market Share³¹

Vendor	Total Ethernet Switches	High-Speed Ethernet Data Center Switches
Cisco	60.7%	64.6%
HP	9.0%	6.7%
Huawei	4.5%	N/A
Juniper	3.7%	4.3%
Arista	3.1%	10.0%
Dell	N/A	1.9%
All Other	19.0%	12.5%

²⁷ https://www.cisco.com/cisco/web/solutions/small_business/resource_center/articles/connect_employees_and_offices/what_is_a_network_switch/index.html.

²⁸ *Id.*

²⁹ I understand the Cisco copyrighted operating systems are included in a range of products that compete in more markets than the market in which Arista and Cisco compete. Arista's use of the copyrights at issue does not and would not cause harm to the market for the copyrighted works where Arista does not compete.

³⁰ ARISTANDCA00266297;

<http://www.idc.com/getdoc.jsp?containerId=prUS41061316>.

³¹ Dell's share is included under "All Other" for Total Ethernet Switches, but broken out for High-Speed Ethernet Data Center Switches.

Switches are feature-rich products that are differentiated in the marketplace based on a variety of customer needs. An Arista white paper notes that “[p]erformance, resiliency and programmability” are the fundamental business requirements for next generation cloud and enterprise data center networks and describes components and network services that Arista’s EOS operating system (defined in the next report section) offers. The white paper highlights the following as among the important differentiators of the EOS architecture:³²

- **Resiliency** – the multi-process state-sharing architecture results in higher availability, reduced maintenance windows, improved manageability, and tighter security.
- **Programmability and Extensibility** – EOS offers a rich set of programmable interfaces that allow the EOS to be programmable across all layers. This enables rapid integration with a wide range of third-party applications.
- **Network Services** – A comprehensive suite of networking services to address network virtualization, application and visibility, telemetry, SDN controller integration, and automation. One such network services is a smart system upgrade that delivers software updates to the network in a non-disruptive way.

[illegible]

As discussed below, Cisco and Arista also receive requests for proposal (or similar documents) from customers that specify a number of features that the customer requires or desires in a network switch.

³² CSI-CLI-00022947.

33 [REDACTED]

c. Other Networking Equipment

There are many different types of networking equipment beyond switches and routers. For example, Cisco sells server, security, hyper-converged infrastructure, and video products.³⁴ I understand a number of Cisco's other products, sold independent of its switches, use CLIs. For example, Cisco's firewall security product, ASA 5500, uses an operating system that is not the same as Cisco IOS but nonetheless utilizes a CLI with "similar syntax and other conventions to the Cisco IOS CLI."³⁵

2. Network Operating Systems

A network operating system is a type of software that allows networks to be managed and monitored. These operating systems can be embedded in networking devices such as routers and switches, and allow for a variety of networking functions, such as file and print sharing among multiple computers, account administration for users, data backup, security, and sharing of data among users.³⁶ Different companies offer different network operating systems. A sample of these are listed below:

- Internetwork Operating System ("IOS"), used in Cisco routers and switches³⁷
- HP ProVision and ComWare, used in HP networking products³⁸
- Junos, used in Juniper Networks routers and switches³⁹
- Versatile Routing Platform ("VRP"), used in Huawei routers and switches⁴⁰
- Extensive Operating System ("EOS"), used in Arista switches⁴¹
- Fabric OS ("FOS"), used in Brocade Communications switches⁴²

³⁴ <http://www.cisco.com/c/en/us/products/index.html>.

³⁵ http://www.cisco.com/c/en/us/td/docs/security/asa/asa82/command/reference/cmd_ref/cli.html. Also see Cisco's ASA 100V product, available at

http://www.cisco.com/c/en/us/td/docs/security/asa/asa87/configuration/guide/asa_87_cli_config/ref_cli.html. Also see http://www.cisco.com/c/en/us/products/collateral/application-networking-services/application-networking-manager/data_sheet_c78_572610.html;

https://web.archive.org/web/20140508140050/http://www.cisco.com/c/en/us/td/docs/app_ntwk_services/data_center_app_services/application_networking_manager/4_x/release/note/relnote4_x.html.

³⁶ <http://www.comptechdoc.org/independent/networking/guide/netnos.html>.

³⁷ http://www.cisco.com/c/en/us/td/docs/optical/cpt/r9_5/configuration/guide/cpt95_configuration/cpt93_configuration_chapter_010.pdf, p. 5.

³⁸ http://h17007.www1.hp.com/docs/interoperability/Cisco/HP-Networking-and-Cisco-CLI-Reference-Guide_June_10_WW_Eng_ltr.pdf.

³⁹ <http://www.juniper.net/us/en/products-services/nos/>.

⁴⁰ http://huawei.com/ilink/en/solutions/broader-smarter/morematerial-b/HW_133061;
<http://www1.huawei.com/en/products/data-communication/ethernet-switches/index.htm>.

⁴¹ https://www.arista.com/assets/data/pdf/Corporate_Backgrounder.pdf.

⁴² <https://www.brocade.com/content/dam/common/documents/content-types/product-matrix/brocade-compatibility-matrix-fos-7x-mx.pdf>.

A multitude of discrete services and features are provided by network operating systems.

[REDACTED]

[REDACTED]

[REDACTED]

43 [REDACTED]

44 [REDACTED]

45 [REDACTED]

[REDACTED]

46 [REDACTED]

[REDACTED]

a. Command Line Interfaces (“CLIs”)

Command Line Interfaces, or CLIs, are used by human operators, and sometimes by computer programs, to interface with network devices. For networking equipment, a CLI is an interface that uses a set of commands and underlying code to communicate with, configure and manage network operating systems.⁴⁷ These commands are a way of interacting with a computer’s operating system, program or application, in which the user responds to a visual prompt by typing in a command on a specified line, receives a response back from the system, and then enters another command, etc.⁴⁸

[REDACTED]

CLIs were the primary way of interacting with most computer systems into the 1980s. Beginning in the 1980s and continuing to the present, CLIs have not been widely used by consumer computer users due to the emergence of easier-to-use GUIs.⁵¹ However, CLIs are still used with business computers and networking systems, most often by programmers and system operators. I understand that the degree to which CLIs are used with network switches varies depending on the type of customer and the individual customer’s preferences.⁵² According to Arista, these types of customers include, but are not limited to, web customers, high performance computing customers, and enterprise customers, each with varying levels of preference for CLIs.⁵³

A CLI is comprised of *syntax* (the grammar that a command must follow) and *semantics* (the operations that are possible and the definition of the syntax).⁵⁴ Within network operating systems, vendors define a set of rules that provide for executable commands used in configuring, maintaining, and monitoring equipment and network operations.⁵⁵

b. Cisco CLI Command Modes and Hierarchy

[REDACTED]

⁴⁷ Second Amended Complaint, p. 2.

⁴⁸ <http://searchwindowsserver.techtarget.com/definition/command-line-interface-CLI>

⁴⁹ [REDACTED]

⁵⁰ [REDACTED]

⁵¹ <http://blogs.technet.com/b/mscom/archive/2007/03/12/the-gui-versus-the-command-line-which-is-better-part-1.aspx>.

⁵² [REDACTED]

⁵³ [REDACTED]

⁵⁴ http://www.cisco.com/c/en/us/td/docs/ios/12_2/configfun/command/reference/ffun_r/ffr001.html.

⁵⁵ http://www.cisco.com/c/en/us/td/docs/ios/12_2/configfun/configuration/guide/ffun_c/fcf001.html#wp1000918; <http://www.revolv.com/main/index.php?s=Command-line%20interface>.

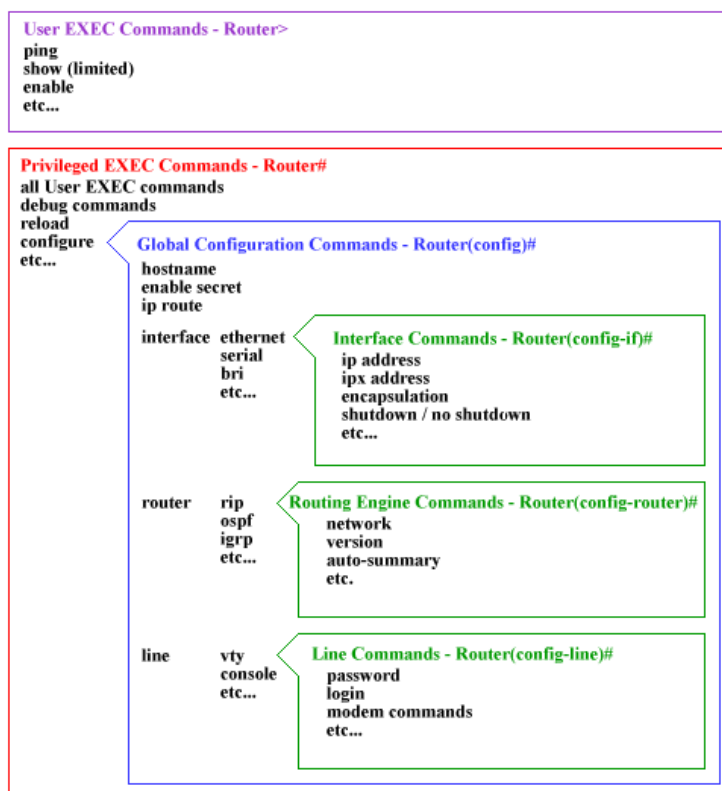
⁵⁶ http://www.cisco.com/c/en/us/td/docs/ios/12_2/configfun/configuration/guide/ffun_c/fcf001.html.

- i. **User EXEC mode** – This mode is active during the start of a router session and mostly includes “show” or “more” commands in which one can view the current configuration status and “clear” commands, which clear interfaces. User EXEC mode commands are a subset of total commands.
- ii. **Privileged EXEC mode** – In order to access all commands, a user must enter Privileged EXEC mode, which typically requires a password.
- iii. **Global configuration mode** – This mode is accessed from the privileged EXEC mode and allows the user to enter commands that configure general system characteristics and make changes to a running configuration.
- iv. **Specific/Interface configuration mode** – This is a submode that is accessed from the global configuration mode and allows a user to enter a variety of protocol-specific or feature-specific configuration modes.
- v. **Subinterface configuration mode** – This is a submode accessed from a specific configuration mode and used for the configuration of specific features within the scope of a given specific configuration mode.
- vi. **ROM Monitor mode** – This is a separate mode used when the router cannot boot properly; it can only be accessed by interrupting the boot sequence during startup.

The figure below illustrates an example of Cisco’s CLI command hierarchy:⁵⁷

⁵⁷ http://www.cisco.com/E-Learning/bulk/public/tac/cim/cib/using_cisco_ios_software/02_cisco_ios_hierarchy.htm.

Figure 3
Cisco IOS Command Hierarchy



I understand from Mr. Black that the code used to implement CLIs (i.e. to parse and interpret the received commands) represents a small portion of a network operating system, as discussed further in this report in Section IV.A.2.b below.

D. Registered Copyrights & Copyrights-at-Issue

Cisco alleges that Arista has copied portions of works covered by a total of 26 registered and pending copyrights.⁵⁸ Cisco claims that these copyrights cover the IOS, IOS XR, IOS XE (hereinafter, collectively, “IOS”) and NX-OS software used with Cisco routing and switching products.⁵⁹ The registered copyrights purport to cover “new and revised computer code” and (in many cases) “associated documentation,” with registration dates ranging from June 2002 to November 2014. They exclude from the material in which copyright is being claimed “[p]rior works by claimant [or in some cases “previously published material”] and preexisting third party computer code.”⁶⁰ A summary of the 16 asserted registered copyrights is as follows:

⁵⁸ Second Amended Complaint.

⁵⁹ *Id.*, p. 2.

⁶⁰ *Id.*, Exs. 3-28.

Figure 4
Summary of Asserted Copyrights⁶¹

Cisco Product	Registration Number	Registration Date	Second Amended Complaint Source Exhibit
Cisco IOS 11.0	TXu 1-036-057	6/14/2002	Exhibit 3
Cisco IOS 11.1	TXu 1-048-569	6/14/2002	Exhibit 4A
Cisco IOS 11.2	TXu 1-036-063	6/14/2002	Exhibit 5
Cisco IOS 11.3	TXu 1-057-804	6/14/2002	Exhibit 6A
Cisco IOS 12.0	TXu 1-057-805	6/14/2002	Exhibit 7A
Cisco IOS 12.1	TXu 1-057-807	6/14/2002	Exhibit 8A
Cisco IOS 12.2	TXu 1-057-806	6/14/2002	Exhibit 9A
Cisco IOS 12.3	TXu 1-188-975	7/26/2004	Exhibit 10
Cisco IOS XR v3.0	TXu 1-237-896	4/29/2005	Exhibit 16
Cisco IOS 12.4	TXu 1-259-162	8/12/2005	Exhibit 11
Cisco IOS XR v3.2	TXu 1-270-592	10/19/2005	Exhibit 17
Cisco IOS XR v3.3	TXu 1-336-997	7/19/2006	Exhibit 18
Cisco IOS XR v3.4	TXu 1-344-750	3/2/2007	Exhibit 19
Cisco IOS XR v3.5	TXu 1-592-305	7/17/2007	Exhibit 20
Cisco NX-OS Release 4.0	TX 7-940-713	11/13/2014	Exhibit 25
Cisco NX-OS Release 5.0	TX 7-940-718	11/13/2014	Exhibit 26
Cisco NX-OS Release 5.2	TX 7-940-727	11/13/2014	Exhibit 27
Cisco NX-OS Release 6.2	TX 7-940-722	11/13/2014	Exhibit 28
Cisco IOS XR v4.3	TX 7-933-364	11/14/2014	Exhibit 21
Cisco IOS XR v5.2	TX 7-933-353	11/14/2014	Exhibit 22
Cisco IOS 15.2	TX 7-937-159	11/24/2014	Exhibit 14
Cisco IOS XE v2.1	TX 7-937-240	11/24/2014	Exhibit 23
Cisco IOS XE v3.5	TX 7-937-234	11/24/2014	Exhibit 24
Cisco IOS 15.4	TX 7-938-341	11/26/2014	Exhibit 15
Cisco IOS 15.0	TX 7-938-524	11/28/2014	Exhibit 12
Cisco IOS 15.1	TX 7-938-525	11/28/2014	Exhibit 13

I understand Cisco asserts that, collectively, these copyrights (registered and application pending) cover the entirety of Cisco's IOS and NX-OS operating systems, as well as certain associated documentation, apart from unclaimed prior works and preexisting third party computer code. I further understand that Cisco is not alleging that Arista has copied the totality of Cisco's IOS or NX-OS operating systems, or anything close to it. Rather, Cisco is asserting that Arista has copied approximately 514 of Cisco's CLI commands (or command fragments); certain of Cisco's command

⁶¹ *Id.*, Exs. 3-28.

hierarchies, command modes, and command prompts; certain command responses; and certain portions of Cisco's documentation (collectively, copyrights-at-issue).⁶²

E. Arista's Alleged Use of the Copyrights-at-Issue

1. Arista Products

Cisco alleges that portions of the copyrights-at-issue are incorporated into Arista's network switches and portions of Arista's documentation.⁶³ Cisco and Arista switches both compete for certain customers and types of business functions; however, the products and services offered by the two companies vary in a number of material respects. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

⁶⁵ The Arista EOS architecture separates the processes associated with EOS from the system database ("SysDB"), and runs on top of the Linux core or kernel. The EOS Architecture includes additional components such as Hardware Abstraction Layer and a suite of Network Services. The figure below includes a breakdown of the Arista EOS Architecture into its features and services components:⁶⁶

⁶² For ease of discussion throughout this report, I will simply use the term "CLI commands" to reference the command words, command hierarchies, command modes and command prompts associated with a CLI.

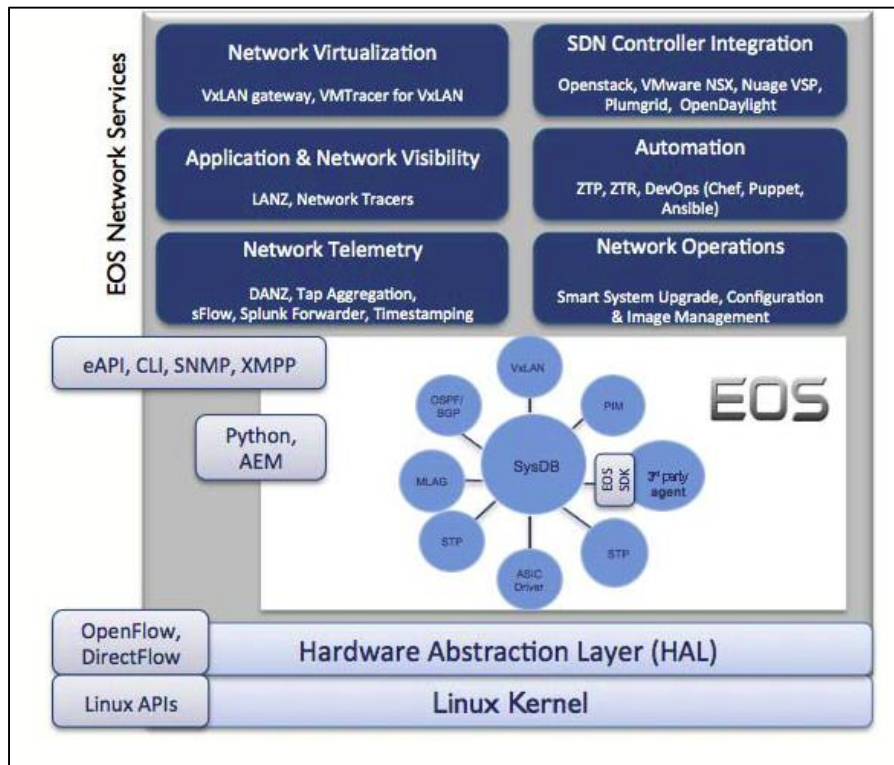
⁶³ Second Amended Complaint, p. 2.

⁶⁴ [REDACTED]

⁶⁵ <http://www.arista.com/en/products/eos>;
<http://www.arista.com/assets/data/pdf/EOSWhitepaper.pdf>.

⁶⁶ <http://www.arista.com/assets/data/pdf/EOSWhitepaper.pdf>.
<http://www.arista.com/en/products>.

Figure 5
Arista EOS Architecture



2. Alleged Infringement

According to Cisco, the “key components” Arista is alleged to infringe relate to “at least 500 multi-word commands” from Cisco’s IOS and NX-OS CLIs.⁶⁷ As noted earlier, I understand that the allegedly infringing elements cover these CLI “multi-word commands”; certain CLI command hierarchies, command structures, command modes, and command prompts; certain command responses; and certain portions of Arista’s documentation. I understand that Cisco does not allege that Arista copied any of its IOS or NX-OS software source code, including the source code underlying the CLI—only Cisco’s publicly available materials.⁶⁸

 _____ Thus, the

⁶⁷ Second Amended Complaint, p. 13.

⁶⁸ *Id.*, pp. 7-9.

Defendant Arista Network Inc.’s Responses to Plaintiff Cisco Systems, Inc.’s Fourth Set of Interrogatories (Nos 17-21), p. 20.

allegedly copied commands and command fragments also represent approximately 5% or less of the total Arista CLI commands.

F. Others' Use of the Copyrights-at-Issue

I understand that many Ethernet switch vendors besides Arista use CLIs that substantially overlap with Cisco's IOS CLI. For example, I understand that Nortel has publicly stated that it uses a "Cisco-like" CLI, and that vendors including HP, Dell, IBM, Brocade, Alcatel Lucent, and others have stated in their public product literature that they use an "industry standard" CLI, which includes many terms in common with Cisco's IOS CLI.⁷¹ Numerous third-party sources, including for example *Network World* magazine, have also observed that many switch vendors copy portions and/or aspects of Cisco's CLI.⁷²

I further understand that a Cisco officer has publicly stated, with specific reference to the CLI, that vendors including HP, Brocade, Alcatel Lucent, and Extreme "have innovated on their own, rather than copy, to create value and interoperability for their customers."⁷³ Thus, Cisco apparently contends that the amount of overlap between these vendors' CLIs and Cisco's does not create significant value for customers relative to other switch features.

⁷¹ The term "industry standard" is often used in the same sense as "Cisco-like," including by Cisco itself, as discussed further in report Section IV.C.1.b and Section IV.C.2 below.

⁷² <http://www.networkworld.com/article/2349126/cisco-subnet/appealing-to-ccies--hardware-vendors-copy-cisco-s-cli-and-netflow-to-get-into-cisco-acc.html>.

⁷³ ANI-ITC-944_945-3451247 (<http://blogs.cisco.com/news/protecting-innovation>).

IV. OPINIONS EXPRESSED

Opinion Summary

I have evaluated currently available evidence in this matter and concluded that it fails to support a contention that Arista's alleged infringement has harmed the potential market for or value of the copyrighted work as owned and employed by Cisco. Therefore, it is my opinion that the fourth factor weighs in favor of a finding of fair use. I have made the following observations and reached the following conclusions in forming my opinion:

A. Cisco's CLI commands, including the CLI commands at issue, are not independently transacted. These CLI commands represent a small part of the switching products in which they are employed.

1) Neither the CLI commands at issue nor the operating systems of which they are a part are independently transacted.

I have seen no evidence to suggest Cisco has offered the CLI commands at issue or CLIs in general for sale or license [REDACTED]

[REDACTED]⁷⁴ To the best of my knowledge at this time, these network operating systems are only employed on products such as routers, switches, and others products. Therefore, in this sense there is strictly speaking no independent "market" for the copyrights-at-issue in which harm may have occurred.^{75,76} The only product market that may be examined in this case is the market for equipment employing the network operating system of which the CLI commands at issue are a part.

2) The CLI commands at issue represent only a small part of the switching products in which they are (or are allegedly) employed.

a. Switches of the type at issue in this case embody a large number of functional features, of which the CLI commands are only one.

Cisco's and Arista's switches comprise hardware and software, each offering a multitude of distinguishable features. For example, the current data sheet for Cisco's Nexus 9300-EX Platform Switches provides information on the following hardware features:⁷⁷

⁷⁴ [REDACTED]

⁷⁵ Recognizing the term "market" may be defined differently for other purposes.

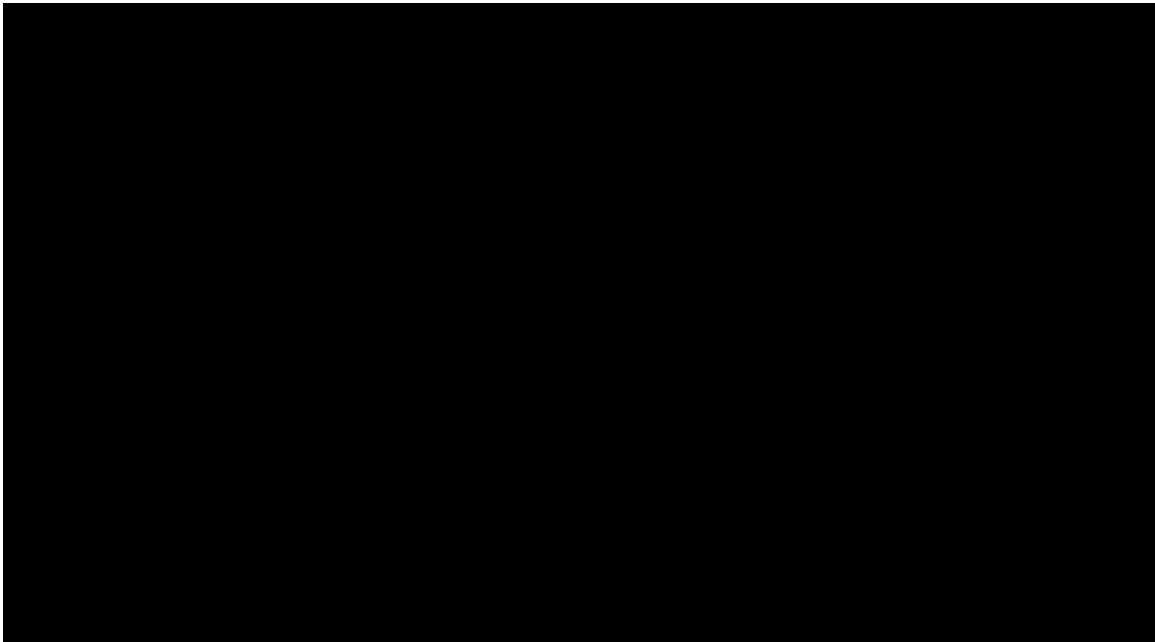
⁷⁶ I note in this context that at least one court has stated, "[I]t is sensible that a particular unauthorized use should be considered 'more fair' when there is no ready market or means to pay for the use, while such an unauthorized use should be considered 'less fair' when there is a ready market or means to pay for the use. The vice of circular reasoning arises only if the availability of payment is conclusive against fair use." *Princeton Univ. Press v. Mich. Document Servs., Inc.*, 99 F.3d 1381, 1387-1388 (6th Cir. 1996).

⁷⁷ <http://www.cisco.com/c/en/us/products/collateral/switches/nexus-93108tc-ex-switch/datasheet-c78-736651.html>.

Figure 6
Cisco Nexus 9300-EX Platform Hardware Features

Ports	Management ports	Frequency
Downlink supported speeds	USB ports	Airflow
CPU	RS-232 serial ports	Physical dimensions
System memory	Power supplies	Acoustics
SSD drive	Typical & maximum power	
System buffer	Input voltage	

On its website Cisco indicates that its Nexus 9000 Series switches “include **vast** switch-level and fabric-level software-defined networking and programmability **features**.”⁷⁸ Cisco’s IOS services and features include several core system services and application attributes, which in turn each contain their own group of system services. According to a Cisco White Paper on IOS/ENA, these services and features include the following:⁷⁹



I understand there are many sub-services and features that underlie these general categories. As discussed further in report Section IV.B below, available evidence indicates that CLIs are sometimes (but not always) identified among dozens of discrete features discussed in customer RFPs⁸⁰ for switches of the type at issue.

b. CLI commands are only one portion of Cisco’s IOS.

[REDACTED]

⁷⁸ <http://www.cisco.com/c/en/us/products/switches/index.html> (emphasis added in bold).

⁷⁹ [REDACTED]

⁸⁰ “Request for Proposal”; sometimes, “RFQ” (“Request for Quote”) or “RFI” (“Request for Information”).

82

1. *Journal of the American Medical Association*, 2000; 283: 2689-2695.

- c. The allegedly infringed CLI commands are a small portion of the total CLI commands in Cisco's and Arista's software.**

⁸⁴ Therefore, the CLI commands at issue represent less than 5% of

81 [REDACTED]

82

83 [REDACTED]

84 [REDACTED]

the CLI commands used for Arista's switches. As stated earlier, the CLI commands at issue similarly represent less than 5% of those used for Cisco's switches.

d. The source code related to the allegedly infringed CLI commands is not at issue.

As stated in Section III of this report, I understand the copyrights-at-issue do not relate to the implementation of the CLI, which is executed by underlying source code not in dispute in this matter. Thus, I understand that there is no allegation that Arista copied any of Cisco's source code. Rather, with respect to CLI commands used with Arista's EOS software, I understand that Cisco alleges that EOS recognizes approximately 514 of the same CLI commands or command fragments that Cisco's software recognizes.

B. Use of the CLI commands as alleged is not sufficient to create a direct substitute for Cisco's switches, in either a technical or marketing sense. Cisco's own competitive documents make little mention of CLI commands but frequently cite a number of alternative reasons for losing business to Arista and others.

As stated in Section III of this report, I understand that in considering whether and to what extent the potential market for or value of the copyrighted work has been or may be harmed, courts will often consider whether the defendant's use amounts to mere duplication of the entirety of the original such that it clearly supersedes the object of the original and serves as a market replacement for it.⁸⁵ In this case it is evident that the alleged infringement of the copyrights-at-issue is not and would not be sufficient to duplicate or create a market replacement for the Cisco switches employing the CLIs.

1. Use of the CLIs at issue as alleged is not sufficient to "supersede the object of the original" in technical terms. Despite the alleged infringement, Cisco's IOS and Arista's EOS cannot operate interchangeably, whether because of the CLIs or otherwise.

I understand that one measure of market harm is the substitutability of the copyrighted product and the alleged infringing product. In this case, the CLI commands have no value without the associated software code which causes the networking equipment to perform a vast number of tasks based on the relevant instructions. This code associated with either the Arista CLI or the EOS software as a whole, has thus far not been at issue in this matter. I understand from discussion with Mr. Black that the two companies' operating systems cannot be substituted for one another: an Arista EOS will not work on a Cisco switch, nor will a Cisco IOS work on an Arista switch.

2. Customers for Cisco and Arista switches base decisions on features other than the CLI commands at issue – either entirely, or almost entirely in that "Cisco-like" or "Industry Standard" CLIs are one feature among many preferred or required of a switching product.

a. Customers typically consider a great many features in deciding which switch to purchase.

One indicator of the features, attributes and functionalities that customers seek is the information found in a customer's RFP. Customers send that information to vendors such as Arista or Cisco to outline their needs. This permits vendors to bid competitively. RFPs may

⁸⁵ *Campbell*, 510 U.S. 569.

be informative regarding what drives customer demand to the extent that they identify the features and functionalities that customers seek and, in some cases, how these are prioritized. As part of my analysis, I reviewed a variety of initial RFPs that Arista or Cisco received from potential customers.⁸⁶ These RFPs identify dozens of features, apart from the CLI, that customers requested in Ethernet switches.

In addition to RFPs, other Cisco documents acknowledge that Arista's products are differentiated by a host of non-CLI related features. These documents indicate that Arista's products included critical or desirable features or services that Cisco failed to deliver. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Industry participants and analysts acknowledge that Arista's products may offer significant feature advantages in competition with Cisco products; among these feature advantages, "industry standard" or "Cisco-like" CLI is rarely included. [REDACTED]

[REDACTED]

Further, Cisco's own documents seldom refer to the company's CLI as a competitive factor. [REDACTED]

⁸⁶ See, e.g. ARISTANDCA12905565, p. 3 and [REDACTED]

⁸⁷ [REDACTED]

⁸⁸ [REDACTED]

[REDACTED]⁸⁹

- b. **Customer preferences and priorities regarding CLIs vary. Some types of customers are not focused on CLIs (in some cases not at all), while for other customers CLIs are a “check box” item but not a differentiator between competitors.**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁹⁰

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁹¹

While it is clear that customers vary considerably in the value they attribute to a particular CLI structure, I have seen no evidence to date that any sale was driven solely or primarily by the use of specific CLI commands.

- c. **Cisco’s own documents show it has lost business to Arista and others for reasons wholly unrelated to CLIs.**

I have now reviewed a quantity of Cisco documents analyzing why it lost or risked losing business in competitive situations with Arista and others. CLIs generally are seldom mentioned and, when mentioned, are one of many Arista product advantages and are assigned no particular priority by Cisco. I have yet to see any note taken of the specific CLI commands at issue, other than in legal documents related to the case.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁹²

89 [REDACTED]

90 [REDACTED]

91 [REDACTED]

92 [REDACTED]

Many Cisco documents indicate business lost or at risk due to a number of functional and service performance factors entirely unrelated to CLIs. [REDACTED]

.⁹³ Chief among the factors that customers are noted as valuing are latency, programmability, high density, features and responsiveness, reliability, and customer support, but many others are mentioned.

i. Latency

[REDACTED]
[REDACTED]
[REDACTED]⁴ I understand from Cisco documents and other sources that the financial services industry is one in which latency performance is of utmost importance. As many financial services firms have moved into algorithmic, proprietary or high frequency trading, low latency has become a top priority due to the fact that traders need to be able to react to market data as quickly as possible or risk losing considerable potential profit.⁹⁵ [REDACTED]

96

[illegible]

93 [REDACTED]

94

⁹⁵ <http://nextgendistribution.com.au/solution-centre/arista-finds-niche-high-frequency-trading/>

96

97

98 [REDACTED]

99

¹⁰⁰ *Id.* Testimony from the key Bank of America decision-maker, Jeffrey Birnbaum, confirmed this fact, and further confirmed that the CLI played almost no role in the decision. See Deposition of Jeffrey Birnbaum, May 17, 2016, p. 44.

101 [REDACTED]

103

ii. Programmability

Another key differentiating factor of Arista's product offering has been the fact that it is highly programmable at all layers, including the Linux kernel, hardware forwarding tables, switch configuration and CLI, switch control plan and management layer.¹⁰⁴ The programmability offered by Arista's products has been a major selling point to customers as the networking industry has moved toward software-defined networking ("SDN"). The open nature of these products allows for the "rapid integration of a wide range of third-party applications for virtualization, management, automation, orchestration and network services."¹⁰⁵ It is clear that customers valued the open nature of Arista's product offerings – a fact that Cisco readily acknowledged – and in some cases selected Arista as a vendor on this basis.

108

iii. High density

Another selling point of Arista's products has been the high port density of many Arista switches. Port density refers to the number of ports available on a single switch, and is of

102 _____

103 _____

¹⁰⁴ <https://www.arista.com/en/products/eos/open-and-programmable>; note that this distinguishes the programmability of the CLI from its own nature or features. See [REDACTED]

¹⁰⁵ <https://www.arista.com/en/products/eos/open-and-programmable>.

106 [REDACTED]

107 [REDACTED]

108

considerable importance to many customers – including large enterprise clients – due to the fact that high density switches make the best use of the limited physical space and power constraints.¹⁰⁹

A number of Arista customers cited its switches' high port density as an important buying criterion.

[illegible]iv. **Innovative features and responsiveness to customer requests**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

¹⁰⁹ <https://waveiceku.wordpress.com/tag/port-density/>.

110

111

112

113 [REDACTED]

114 [REDACTED]

115

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

116 [REDACTED]
117 [REDACTED]
118 [REDACTED]
119 [REDACTED]
120 [REDACTED]
121 [REDACTED]
122 [REDACTED]
123 [REDACTED]

124

v. Product reliability

131

vi. Customer support

Age Group	Number of Respondents
124	55
125	75
126	55
127	55
128	95
129	95
130	95
131	75
132	95

[REDACTED]

136

vii. CLI features

[REDACTED]

[REDACTED]

[REDACTED]

It therefore appears that even when the focus is narrowed to CLIs, Arista has offered advantages over Cisco.

133 [REDACTED]
134 [REDACTED]
135 [REDACTED]
136 [REDACTED]
137 [REDACTED]
138 [REDACTED]
139 [REDACTED]
140 [REDACTED]
141 [REDACTED]

C. Cisco has encouraged and promoted the support of its CLI commands and structure as an industry standard.

1. Support of “Cisco-like CLIs” is widespread in the relevant market and is not confined to Arista.

a. The terms “Cisco-like CLIs” and “industry standard CLIs” may be used interchangeably. They are not precise terms of art, but imply some degree of substantial overlap with Cisco CLI commands.

Certain documents, including, for example, RFPs, use the terms “industry standard CLIs” or “Cisco-like CLIs.”¹⁴² Based on my review of the documents and discussion with Mr. Seifert, these terms indicate that CLI commands and structures will have a “look and feel” similar to that used by Cisco and most others in the industry, generally with some substantial number of overlapping commands.¹⁴³ For example, I understand that—even looking only at the approximately 514 commands and command fragments allegedly copied by Arista, and ignoring the thousands of other Cisco CLI commands, where there may also be overlap with other vendors:¹⁴⁴

- Adtran: At least 178 commands overlap
- Alcatel and Alcatel-Lucent: At least 138 commands overlap
- Brocade: At least 242 commands overlap
- D-Link: At least 305 commands overlap
- Dell: At least 268 commands overlap
- Edge-Core: At least 223 commands overlap
- Extreme and Enterasys: At least 111 commands overlap
- Foundry: At least 163 commands overlap
- HP: At least 128 commands overlap
- IBM (now Lenovo): At least 106 commands overlap
- Juniper (JUNOS-based routers): At least 218 commands overlap
- Netgear: At least 169 commands overlap
- Oracle/Sun Microsystems: At least 120 commands overlap
- Procket Networks: At least 103 commands overlap

These figures likely underestimate (and may *substantially* underestimate) the overlap between other vendors’ CLIs and Cisco’s, because they count only the overlap that is a subset of the approximately 514 commands and command fragments allegedly copied by Arista, which comprises only a small part of Cisco’s whole CLI. It is also important to note that where a command is not present in another vendor’s CLI, that vendor may not support the feature or features corresponding to that command—in other words, the vendor may use no command for that feature because it does not offer the feature, as opposed to using a different command.

¹⁴² ARISTANDCA13657419; ARISTANDCA13662855.

¹⁴³ Conversation with William Seifert.

¹⁴⁴ Expert Report of William Seifert, June 3, 2016.

b. Support of “Cisco-like CLIs” is widespread in the relevant market and is not confined to Arista. Many manufacturers describe their products as having “industry standard CLIs” or specifically promote similarities to Cisco’s CLIs.

Arista acknowledges that it supports certain CLI commands that are also supported by Cisco. [REDACTED]

[REDACTED]¹⁴⁵ It is worth noting that numerous other industry participants also promote their support of “industry standard” CLIs that overlap with Cisco’s.

Since the 1990s, Cisco has known it supports CLI commands also support by other industry participants. As these companies entered the market in the 1990s and into the 2000s, they highlighted to customers that engineers could use commands of the type they had been trained to use previously on Cisco products.

I understand that at least the following industry participants support and promote CLI commands that are the same as or similar to Cisco’s.

- Dell has referred to an “industry-standard CLI” among the features listed on the specification sheet for its Ethernet switches. Dell highlights that its “Dell Networking OS 9” software features a “fully compliant, industry-standard CLI [that] allows certified engineers to be productive from day one and helps you protect training investments.”¹⁴⁶ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]¹⁴⁷
- In making a presentation on the viability of its software management solutions, HP emphasized its products’ “ease of migration and leveraging existing knowledge,” including incorporation of industry-standard commands. HP has created a guidebook to match and highlight the overlap between the Cisco and HP ProVision CLI commands, as illustrated in the figure below:¹⁴⁸

¹⁴⁵ [REDACTED]

¹⁴⁶ <http://www.dell.com/learn/us/en/04/campaigns/dell-networking-os9>.

¹⁴⁷ [REDACTED]

¹⁴⁸ <http://cadinc.com/wp-content/uploads/2015/08/CLI-Ref-Guide-v3-2015-CAD.pdf> [removed Comware].

Figure 9
HP Guidebook to Cisco CLI

Comparing Frequently Used Commands			
The table below lists frequently used commands for each operating system.			
	ProVision		Cisco
U	enable	U	enable
U	configure	U	configure terminal
U/P	show flash	U/P	show flash
U/P	show version	U/P	show version
P	show run	P	show run
P	show config	P	show start
U/P	show history	U/P	show history
U/P	show logging	U/P	show logging
U/P	show ip route	U/P	show ip route
U/P	show ip	U/P	show ip interface brief
U/P	show interface brief	U/P	show interfaces status
P	erase start	P	erase start
P	show config <filename>	P	more flash:/<filename>
P	reload	P	reload
P	write memory	P	write memory
P	show tech	U/P	show tech-support
U/P/C	show	U/P	show
U/P/C	no	P	no
C	end	C	end
U/P/C	exit	U/P/C	exit
P/C	erase	P	erase
P/C	copy	P	copy
C	hostname	C	hostname
C	logging	C	logging
C	router rip	C	router rip
C	router ospf	C	router ospf
C	ip route	C	ip route
C	access-list	C	access-list
C	redistribute	C	redistribute

HP markets its HP MSR50 LAN/WAN router product as having an “[i]ndustry-standard CLI with a hierarchical structure” that “reduces training time and expenses, and increases productivity in multivendor installations”¹⁴⁹

- Pluribus, in promoting its MicroBlade product, claimed that “[k]ey to the MicroBlade is the Pluribus Networks Netvisor, providing a rich set of L2/L3 networking services based on an industry-standard CLI.”¹⁵⁰
- Enterasys highlights its products’ “[p]owerful management and configuration tools – including industrystandard [sic] Command Line Interface.”¹⁵¹

¹⁴⁹ <http://h17007.www1.hp.com/docs/products/4AA3-0767ENW.pdf>.

¹⁵⁰ <http://pluribus.staging.unomena.net/supermicro/>.

¹⁵¹ <http://web.archive.org/web/20101007005735/http://enterasys.com/company/literature/xsr-1800-ds.pdf>.

- Brocade promotes its ICX 6610 Switch product as featuring an “industry-standard CLI”¹⁵²
- Avaya, for its Ethernet Routing Switch 8800/8600 product, indicates that customers can configure the product using an “industry-standard command line interface”¹⁵³
- Netgear markets its M4200 switch series as featuring an “[i]ndustry standard command line interface (CLI) for IT admins used to other vendors commands.”¹⁵⁴

Preliminary analysis indicated that of the “500 multi-word commands” that Cisco alleges Arista has “unlawfully copied,” over 200 commands are supported by one or more of the following vendors: Adtran, Alcatel-Lucent, Allied Telesis, Brocade, D-Link, Dell, Foundry, HP, Juniper, Netgear, Procket Networks, Extreme Networks, IBM, F5 Networks, and others.¹⁵⁵ I understand this analysis is ongoing.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] I note that this 10-20% far exceed the percent of total Arista CLI commands that are at issue in this case.

c. Cisco distributes its CLI commands for use by non-Cisco CLI vendor industry participants

On June 17, 2014 Cisco announced it was acquiring Tail-f Systems (“Tail-f”), a software supplier that provides multi-vendor orchestration software for traditional and virtualized networks.¹⁵⁷ Cisco continues to sell Tail-f’s two network management products, Network Control System (“NCS”, rebranded as “NSO”) and ConfD, which allow network operators to utilize various CLI-styles on different networking devices, among other capabilities.¹⁵⁸

[REDACTED]
[REDACTED]
[REDACTED]^{159,160} According to Cisco Technical Leader, Cons T Åhs, “NSO uses standardized interfaces on the devices it manages” and is “essentially a large service written on top of ConfD”, Tail-f’s other product offering.¹⁶¹

¹⁵² <http://www.brocade.com/content/dam/common/documents/content-types/faqs/brocade-icx-6610-faq.pdf>.

¹⁵³ <https://downloads.avaya.com/css/P8/documents/100128482>.

¹⁵⁴ <http://www.downloads.netgear.com/files/GDC/datasheet/en/M4200.pdf>.

¹⁵⁵ Expert Report of John Black, June 3, 2016. Also see Defendant Arista Networks, Inc.’s Fifth Supplemental Responses to Plaintiff Cisco System Inc.’s First Set of Interrogatories (Nos. 9, 10, & 13), pp. 145-156.

¹⁵⁶ [REDACTED]

¹⁵⁷ <http://www.networkcomputing.com/networking/cisco-buy-orchestration-software-startup-tail-f/505521188>.

¹⁵⁸ http://www.cse.chalmers.se/edu/year/2015/course/TDA383_LP3/assets/gl/Cons_2016-02-15.pdf, p. 4.

¹⁵⁹ <http://www.cisco.com/c/en/us/about/corporate-strategy-office/acquisitions/tail-f.html#~faqs>.

¹⁶⁰ [REDACTED]

¹⁶¹ http://www.cse.chalmers.se/edu/year/2015/course/TDA383_LP3/assets/gl/Cons_2016-02-15.pdf, p. 11.

The ConfD product appears to be a slimmed down version of NCS/NSO that customers use with switches from Cisco's competitors (network device manufacturers).¹⁶² [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Cisco currently offers a premium version of ConfD that supports three types of command line interfaces: Cisco IOS-XR style, Cisco IOS style and Juniper style.¹⁶⁵

Cisco's offer and sale of a product that allows its competitors' customers to use Cisco or "Cisco-like" CLIs to configure and communicate with non-Cisco switches appears to be perpetuating widespread use of its CLI commands on non-Cisco switches, which utilize non-IOS operating systems. The logical conclusion is that Cisco either recognizes that the use of its CLI commands on non-Cisco switches does not harm the market for its copyrighted work, or it is itself abetting that harm.

¹⁶² http://www.cse.chalmers.se/edu/year/2015/course/TDA383_LP3/assets/gl/Cons_2016-02-15.pdf.

¹⁶³ [REDACTED]

¹⁶⁴ [REDACTED]

¹⁶⁵ <http://www.tail-f.com/management-agent/> and <http://www.tail-f.com/confd-training-videos/>.

2. Cisco has promoted the support of its CLI commands and CLI structure as a *de facto* industry standard.

There are many benefits to standardization in the networking industry.¹⁶⁶ Standardization can:

- Allow equipment made by different companies to work together
- Provide a base level of known quality for some aspects of operation
- Provide an indication of performance expectation
- Accelerate and reduce the cost of innovation

Cisco states the benefits of standardization include higher bandwidth and open connectivity¹⁶⁷ and credits standardization for the success of the Industrial Ethernet, as it allows different manufacturers to consolidate their network architecture by using a variety of equipment vendors and allows companies to take advantage of economies of scale while still providing flexibility.¹⁶⁸

Cisco further detailed the benefits of standards to network operators and connected users, claiming standards:¹⁶⁹

- Simplify and shorten the pilot phase of networking
- Enable ready and accurate installations and upgrades
- Streamline ongoing maintenance and administration
- Speed diagnostics and reduce repair times
- Bolster the reliability of connections and exchanges
- Help ensure integrity of connections and connected resources
- Extend network reach and ease network use
- Heighten technical and business flexibility
- Lower capital and operating expenses
- Promote vendor independence and product availability

Cisco itself has long described its CLIs and CLI structure not as “proprietary” but as “industry standard.” A Cisco product datasheet referencing use of the Cisco IOS Software dated March 7, 2006 stated:¹⁷⁰

*“Customer can use the **industry-standard** Cisco IOS Software command-line interface (CLI) or user-friendly graphical user interface (GUI) to configure and administer Cisco Unified CallManager Express.”*

¹⁶⁶ http://www.teach-ict.com/as_a2_ict_new/ocr/A2_G063/333_networks_coms/standards/miniweb/pg5.htm.

¹⁶⁷ Industrial Ethernet: A Control Engineer’s Guide, White Paper, published by Cisco Systems, p. 7

(http://www.cisco.com/c/dam/en/us/products/collateral/switches/catalyst-2950-series-switches/prod_white_paper0900aecd8013313e.pdf).

¹⁶⁸ *Id.*, p. 13.

¹⁶⁹ Cisco and Standards, Opening the Door to Borderless Networks, White Paper, published by Cisco Systems, 2009, p. 1 (<http://webtutorials.com/main/resource/papers/cisco/paper145/standards.pdf>).

¹⁷⁰ <http://atcsolutions.ca/pdf/UnifiedCallManagerExpress.pdf>.

Cisco also created several white papers for the Cisco IOS that discussed the “industry-standard” nature of the command-line interface. For example, Cisco white papers for the Cisco IOS XR 2.0 and 3.0 releases both promoted the CLI as industry standard to its customers:¹⁷¹

*“Cisco IOS XR Software manageability provides **industry-standard management interfaces, including modular command-line interface**, Simple Network Management Protocol (SNMP), and native Extensible Markup Language (XML) interfaces.”*

Industry analysts have also noted that the Cisco IOS is considered a *de facto* industry standard used by numerous vendors:¹⁷²

*“Cisco IOS is the most popular CLI look and feel for talking to networking devices. Its enormous success has made it the de facto standard in the networking industry. **Many vendors simply cloned it** to avoid training new operational methods during the product introduction cycle.”*

Arista CEO Jayshree Ullal is former Senior Vice President of Data Center Switching and Services of Cisco. She has testified in deposition that both during her tenure at Cisco and after her departure, Cisco regarded its CLIs as an industry standard for which it encouraged broad adoption and widespread use.¹⁷³ [REDACTED]

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3. **Cisco is still the overwhelming market leader for the routers and switches that use the IOS operating system and the CLIs that operate therein. Cisco does not appear to have been harmed by widespread support of its CLI commands and, in fact, may benefit from their support as “industry standards.”**

As shown in Figure 1, Cisco is still the overwhelming market share leader for Ethernet switches of all types, despite the widespread use of the same or similar CLI commands by competitors. Cisco’s market share for High-Speed Ethernet Data Center Switches, the product market sub-segment in which it competes most closely with Arista, is over six times higher than that of its closest competitor, Arista. [REDACTED]

[REDACTED] There is currently no evidence of any correlation between market share and the extent to which a company’s CLI commands overlap with Cisco’s. [REDACTED]

¹⁷¹ http://www.cisco.com/c/en/us/products/collateral/ios-nx-os-software/ios-xr-software/product_data_sheet09186a008022d5f4.pdf; see also, e.g., ARISTANDCA00009488; ARISTANDCA00009527; ARISTANDCA00010591; ARISTANDCA00010675; http://www.cisco.com/web/DE/pdfs/solutions/crs1_ios_xr2.pdf.

¹⁷² *The Complete IS-IS Routing Protocol*, Hannes Gredler, Walter Goralski, p. 42; emphasis added in bold.

¹⁷³ Deposition of Jayshree Ullal, February 25, 2016, pp. 222-223.

¹⁷⁴ [REDACTED]

¹⁷⁵ Expert Report of John Black, June 3, 2016.

In fact, the value of the CLI commands to Cisco is likely enhanced by their adoption as “industry standard.” Such adoption effectively “locks in” the Cisco model, discouraging competitors from developing new and potentially superior methods of effecting the same results. Even when Cisco loses sales to competitors based on performance, price and other factors, engineers continue to become familiar with Cisco’s command style. In addition, Cisco continues to maintain the “bragging rights” of having developed the “industry standard,” augmenting its continuing position as market leader.¹⁷⁶

D. There is no way to distinguish any loss or harm to Cisco’s market that may be argued as caused by Arista’s, as opposed to other competitors’, support of CLI commands of the type at issue in this case.

All of the above notwithstanding, if Cisco’s copyrights have suffered or are likely to suffer harm in the marketplace, there is no apparent means of separating any harm caused by Arista from harm caused by the numerous other participants who have supported “Cisco-like” CLI commands and marketed their products as employing “industry standard” or “Cisco-like” CLIs. Simply identifying sales lost by Cisco to Arista is not sufficient to support an assumption that Arista’s alleged infringement (the use of a limited number of CLI commands) was the cause of those losses, given: 1) the complexity of the products, 2) the lack of evidence that CLI commands were a driver or predominant driver of customer demand, and 3) the number of other competitors also marketing “industry standard” CLIs without objection from Cisco.

¹⁷⁶ Conversation with William Seifert.

Conclusion

Based on the totality of evidence I have reviewed to date, I have concluded there is no reasonable and reliable evidence of harm to Cisco's ability to exploit the market for the portions of its copyrights at issue in this case as they are currently understood (referenced throughout as "CLI commands" for brevity). In order to address this fourth fair use factor, I specifically looked to determine the following, among other things:

- 1) Any evidence of Arista's alleged use of the copyrights causing significant harm to Cisco's market for the original work, and
- 2) Whether "unrestricted and widespread" use by others would adversely affect the potential market for the original work.

There is no independent market for the CLI commands at issue or for the network operating software of which they are only one component. This network operating software is itself only a part of the switch products for which Cisco and Arista compete. These switches are themselves only a part of the total Ethernet switch market, which is in turn only a part of the market for switches, routers and other products in which the CLI commands are used by Cisco. Arista's alleged infringing use is therefore very minor and far removed from the majority of Cisco's sales and profits for products employing its CLIs, to the extent this may be deemed to constitute a relevant "market for the original work."

Moreover, a significant quantity of documents, including Cisco's own internal documents and publicly available information, indicate that customers choose High-Speed Ethernet Data Center switches based on a number of performance features, including but not limited to latency, programmability, port density, features and responsiveness, reliability, and customer support. These factors are unrelated to specific CLI commands. Those commands are, at most, a single feature among dozens that may be preferred (but not prioritized) by some customers. In particular, Cisco documents clearly demonstrate business lost or at risk to Arista for reasons unrelated to CLIs, and conversely fail to demonstrate a belief that Arista's CLIs are or were a reason for its sales.

Numerous companies in addition to Arista have employed "Cisco-like" or "industry standard" CLIs. Cisco itself uses the term "industry standard" to describe its own CLI and this equivalency is well recognized in the market. The terms "Cisco-like" and "industry standard" in this respect are not exact but indicate only that the operating software in question will share some number of CLI commands with Cisco's. The use of "Cisco-like" CLIs by other competitors is well known in the industry and by Cisco, which has allowed it to continue. Therefore, "unrestricted and widespread use" has already occurred and continues to occur by parties in the market. Cisco's historic and continued promotion of its CLI as the de facto industry standard has likely enhanced its position in the market, not harmed it.

Further, this widespread use notwithstanding, Cisco continues to maintain an overwhelming majority share of the market for Ethernet Switches, leading its next most successful competitors by several multiples. To this evidence of Cisco's continued ability to exploit the market for its copyright-at-issue must be added its billions of dollars in sales of routers and other products using IOS and NX-OS with which Arista does not even compete. In sum, Arista's alleged use of the CLI commands has not been, nor could it be, sufficient to create "mere duplication of the entirety of the [Cisco] original such that it clearly supersedes the object of the original and serves as a market replacement for it," either in a technical or marketing sense.

V. COMPENSATION FOR SERVICES

Fees for Ocean Tomo personnel's time and expenses have been charged at applicable market rates on this case. My billing rate for this matter is \$625 per hour. My payment is not contingent on the outcome of this case.

Respectfully,

A handwritten signature in black ink, appearing to read "Cate Elsten". The signature is fluid and cursive, with a horizontal line extending from the end.

Cate Elsten

Appendix A

Cisco Systems, Inc. v. Arista Networks, Inc.

DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00033423	CSI-ANI-00439515	CSI-CLI-01760380	CSI-CLI-02266331	CSI-CLI-02427643	CSI-CLI-03804603	CSI-CLI-03835736	CSI-CLI-06396749
CSI-ANI-00035238	CSI-ANI-00439620	CSI-CLI-01760386	CSI-CLI-02266332	CSI-CLI-02427644	CSI-CLI-03804606	CSI-CLI-03835749	CSI-CLI-06396750
CSI-ANI-00035239	CSI-ANI-00439684	CSI-CLI-01760790	CSI-CLI-02266333	CSI-CLI-02427645	CSI-CLI-03804611	CSI-CLI-03836102	CSI-CLI-06396754
CSI-ANI-00036438	CSI-ANI-00439786	CSI-CLI-01761610	CSI-CLI-02266334	CSI-CLI-02427646	CSI-CLI-03804611	CSI-CLI-03836115	CSI-CLI-06396766
CSI-ANI-00037143	CSI-ANI-00439828	CSI-CLI-01761610	CSI-CLI-02266335	CSI-CLI-02427647	CSI-CLI-03804612	CSI-CLI-03836168	CSI-CLI-06396767
CSI-ANI-00038089	CSI-ANI-00440161	CSI-CLI-01761676	CSI-CLI-02266336	CSI-CLI-02427648	CSI-CLI-03804625	CSI-CLI-03836178	CSI-CLI-06396792
CSI-ANI-00038253	CSI-ANI-00440299	CSI-CLI-01762114	CSI-CLI-02269068	CSI-CLI-02427649	CSI-CLI-03804627	CSI-CLI-03837281	CSI-CLI-06396803
CSI-ANI-00042875	CSI-ANI-00440307	CSI-CLI-01762114	CSI-CLI-02269111	CSI-CLI-02427650	CSI-CLI-03805081	CSI-CLI-03838383	CSI-CLI-06396809
CSI-ANI-00047560	CSI-ANI-00440447	CSI-CLI-01762507	CSI-CLI-02269118	CSI-CLI-02427651	CSI-CLI-03805092	CSI-CLI-03838697	CSI-CLI-06396814
CSI-ANI-00047564	CSI-ANI-00440803	CSI-CLI-01762507	CSI-CLI-02269119	CSI-CLI-02428722	CSI-CLI-03805103	CSI-CLI-03838776	CSI-CLI-06396831
CSI-ANI-00048019	CSI-ANI-00441065	CSI-CLI-01764486	CSI-CLI-02269120	CSI-CLI-02428977	CSI-CLI-03805206	CSI-CLI-03838789	CSI-CLI-06396838
CSI-ANI-00049218	CSI-ANI-00441180	CSI-CLI-01764486	CSI-CLI-02269121	CSI-CLI-02431658	CSI-CLI-03805215	CSI-CLI-03838794	CSI-CLI-06396848
CSI-ANI-00050405	CSI-ANI-00441246	CSI-CLI-01764630	CSI-CLI-02269122	CSI-CLI-02437568	CSI-CLI-03805217	CSI-CLI-03838797	CSI-CLI-06396859
CSI-ANI-00050528	CSI-ANI-00441247	CSI-CLI-01764630	CSI-CLI-02269123	CSI-CLI-02437576	CSI-CLI-03805220	CSI-CLI-03838801	CSI-CLI-06396860
CSI-ANI-00051378	CSI-ANI-00441407	CSI-CLI-01764631	CSI-CLI-02269124	CSI-CLI-02437577	CSI-CLI-03805223	CSI-CLI-03838803	CSI-CLI-06396873
CSI-ANI-00052093	CSI-ANI-00441775	CSI-CLI-01764631	CSI-CLI-02269125	CSI-CLI-02437578	CSI-CLI-03805229	CSI-CLI-03838805	CSI-CLI-06396884
CSI-ANI-00054337	CSI-ANI-00441806	CSI-CLI-01764633	CSI-CLI-02269126	CSI-CLI-02437579	CSI-CLI-03805230	CSI-CLI-03838807	CSI-CLI-06396888
CSI-ANI-00054339	CSI-ANI-00441818	CSI-CLI-01764633	CSI-CLI-02269127	CSI-CLI-02437580	CSI-CLI-03805231	CSI-CLI-03838809	CSI-CLI-06396896
CSI-ANI-00054429	CSI-ANI-00441882	CSI-CLI-01764634	CSI-CLI-02269424	CSI-CLI-02437581	CSI-CLI-03805232	CSI-CLI-03838812	CSI-CLI-06396912
CSI-ANI-00054739	CSI-ANI-00441889	CSI-CLI-01764634	CSI-CLI-02269430	CSI-CLI-02437582	CSI-CLI-03805233	CSI-CLI-03838814	CSI-CLI-06397156
CSI-ANI-00055228	CSI-ANI-00442009	CSI-CLI-01765027	CSI-CLI-02269431	CSI-CLI-02437583	CSI-CLI-03805234	CSI-CLI-03838820	CSI-CLI-06397162
CSI-ANI-00055255	CSI-ANI-00442015	CSI-CLI-01765043	CSI-CLI-02269432	CSI-CLI-02437584	CSI-CLI-03805235	CSI-CLI-04361461	CSI-CLI-06397170
CSI-ANI-00055268	CSI-ANI-00442023	CSI-CLI-01767031	CSI-CLI-02269433	CSI-CLI-02437585	CSI-CLI-03805236	CSI-CLI-04361731	CSI-CLI-06397269
CSI-ANI-00055454	CSI-ANI-00442119	CSI-CLI-01767031	CSI-CLI-02269434	CSI-CLI-02437843	CSI-CLI-03805237	CSI-CLI-04370922	CSI-CLI-06397275
CSI-ANI-00055578	CSI-ANI-00442362	CSI-CLI-01767143	CSI-CLI-02269435	CSI-CLI-02438940	CSI-CLI-03805238	CSI-CLI-04382249	CSI-CLI-06397285
CSI-ANI-00055656	CSI-ANI-00442444	CSI-CLI-01767143	CSI-CLI-02269436	CSI-CLI-02438970	CSI-CLI-03805280	CSI-CLI-04410106	CSI-CLI-06397291
CSI-ANI-00055661	CSI-ANI-00443043	CSI-CLI-01768492	CSI-CLI-02269437	CSI-CLI-02440032	CSI-CLI-03805281	CSI-CLI-04423658	CSI-CLI-06397292
CSI-ANI-00055662	CSI-ANI-00443445	CSI-CLI-01769389	CSI-CLI-02269438	CSI-CLI-02440093	CSI-CLI-03805286	CSI-CLI-04443077	CSI-CLI-06397304
CSI-ANI-00055665	CSI-ANI-00443603	CSI-CLI-01769389	CSI-CLI-02269439	CSI-CLI-02441850	CSI-CLI-03805286	CSI-CLI-04443834	CSI-CLI-06397309
CSI-ANI-00055666	CSI-ANI-00443644	CSI-CLI-01770089	CSI-CLI-02269994	CSI-CLI-02442680	CSI-CLI-03806056	CSI-CLI-04451303	CSI-CLI-06397310
CSI-ANI-00055677	CSI-ANI-00443743	CSI-CLI-01770089	CSI-CLI-02270136	CSI-CLI-02442814	CSI-CLI-03806059	CSI-CLI-04453872	CSI-CLI-06397311
CSI-ANI-00056114	CSI-ANI-00443952	CSI-CLI-01770393	CSI-CLI-02270142	CSI-CLI-02446710	CSI-CLI-03806065	CSI-CLI-04462611	CSI-CLI-06397312
CSI-ANI-00056218	CSI-ANI-00444180	CSI-CLI-01771793	CSI-CLI-02270143	CSI-CLI-02452378	CSI-CLI-03806066	CSI-CLI-04465330	CSI-CLI-06397321
CSI-ANI-00056277	CSI-ANI-00444199	CSI-CLI-01771923	CSI-CLI-02270144	CSI-CLI-02452385	CSI-CLI-03806067	CSI-CLI-04550976	CSI-CLI-06397338
CSI-ANI-00056404	CSI-ANI-00444882	CSI-CLI-01772223	CSI-CLI-02270145	CSI-CLI-02452386	CSI-CLI-03806068	CSI-CLI-04550976	CSI-CLI-06397349
CSI-ANI-00056463	CSI-ANI-00444993	CSI-CLI-01772223	CSI-CLI-02270146	CSI-CLI-02452387	CSI-CLI-03806069	CSI-CLI-04615047	CSI-CLI-06397357
CSI-ANI-00056464	CSI-ANI-00445440	CSI-CLI-01772228	CSI-CLI-02270147	CSI-CLI-02452388	CSI-CLI-03806070	CSI-CLI-04624140	CSI-CLI-06397366
CSI-ANI-00056465	CSI-ANI-00445457	CSI-CLI-01772228	CSI-CLI-02270148	CSI-CLI-02452389	CSI-CLI-03806071	CSI-CLI-04632638	CSI-CLI-06397375
CSI-ANI-00056477	CSI-ANI-00446079	CSI-CLI-01772239	CSI-CLI-02270149	CSI-CLI-02452390	CSI-CLI-03806072	CSI-CLI-04633845	CSI-CLI-06397387
CSI-ANI-00056515	CSI-ANI-00446277	CSI-CLI-01772239	CSI-CLI-02270150	CSI-CLI-02452391	CSI-CLI-03806073	CSI-CLI-04644439	CSI-CLI-06397398
CSI-ANI-00056599	CSI-ANI-00446282	CSI-CLI-01772771	CSI-CLI-02270151	CSI-CLI-02452392	CSI-CLI-03806074	CSI-CLI-04655016	CSI-CLI-06397411
CSI-ANI-00056770	CSI-ANI-00446286	CSI-CLI-01772771	CSI-CLI-02270159	CSI-CLI-02452393	CSI-CLI-03806075	CSI-CLI-04659648	CSI-CLI-06397418
CSI-ANI-00057087	CSI-ANI-00446292	CSI-CLI-01773500	CSI-CLI-02270847	CSI-CLI-02452394	CSI-CLI-03806078	CSI-CLI-04663061	CSI-CLI-06397423
CSI-ANI-00057695	CSI-ANI-00446335	CSI-CLI-01774394	CSI-CLI-02270854	CSI-CLI-02452351	CSI-CLI-03806084	CSI-CLI-04663062	CSI-CLI-06397424
CSI-ANI-00057697	CSI-ANI-00446344	CSI-CLI-01774394	CSI-CLI-02270855	CSI-CLI-02454333	CSI-CLI-03806085	CSI-CLI-04663534	CSI-CLI-06397431
CSI-ANI-00057698	CSI-ANI-00446362	CSI-CLI-01775193	CSI-CLI-02270856	CSI-CLI-02454340	CSI-CLI-03806086	CSI-CLI-04675701	CSI-CLI-06397442
CSI-ANI-00057699	CSI-ANI-00446372	CSI-CLI-01775193	CSI-CLI-02270857	CSI-CLI-02454341	CSI-CLI-03806087	CSI-CLI-04675837	CSI-CLI-06397461
CSI-ANI-00057700	CSI-ANI-00446377	CSI-CLI-01777386	CSI-CLI-02270858	CSI-CLI-02454342	CSI-CLI-03806088	CSI-CLI-04684388	CSI-CLI-06397470

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00058210	CSI-ANI-00446423	CSI-CLI-01777386	CSI-CLI-02270859	CSI-CLI-02454343	CSI-CLI-03806089	CSI-CLI-04691198	CSI-CLI-06397471
CSI-ANI-00058863	CSI-ANI-00446436	CSI-CLI-01778084	CSI-CLI-02270860	CSI-CLI-02454344	CSI-CLI-03806090	CSI-CLI-04711647	CSI-CLI-06397479
CSI-ANI-00060563	CSI-ANI-00446444	CSI-CLI-01778149	CSI-CLI-02270861	CSI-CLI-02454345	CSI-CLI-03806091	CSI-CLI-04714367	CSI-CLI-06397485
CSI-ANI-00061225	CSI-ANI-00446466	CSI-CLI-01780254	CSI-CLI-02270872	CSI-CLI-02454346	CSI-CLI-03806092	CSI-CLI-04717832	CSI-CLI-06397495
CSI-ANI-00061244	CSI-ANI-00446829	CSI-CLI-01781256	CSI-CLI-02270879	CSI-CLI-02454347	CSI-CLI-03806093	CSI-CLI-04721263	CSI-CLI-06397510
CSI-ANI-00061319	CSI-ANI-00446894	CSI-CLI-01781256	CSI-CLI-02270880	CSI-CLI-02458172	CSI-CLI-03806094	CSI-CLI-04721263	CSI-CLI-06397526
CSI-ANI-00061383	CSI-ANI-00447009	CSI-CLI-01781257	CSI-CLI-02270881	CSI-CLI-02458189	CSI-CLI-03806100	CSI-CLI-04752771	CSI-CLI-06397534
CSI-ANI-00061617	CSI-ANI-00447071	CSI-CLI-01781257	CSI-CLI-02270882	CSI-CLI-02458252	CSI-CLI-03806101	CSI-CLI-04761999	CSI-CLI-06397535
CSI-ANI-00061866	CSI-ANI-00448219	CSI-CLI-01781460	CSI-CLI-02270883	CSI-CLI-02459280	CSI-CLI-03806102	CSI-CLI-04808059	CSI-CLI-06397544
CSI-ANI-00064965	CSI-ANI-00448244	CSI-CLI-01781460	CSI-CLI-02270884	CSI-CLI-02459287	CSI-CLI-03806103	CSI-CLI-04810832	CSI-CLI-06397545
CSI-ANI-00065045	CSI-ANI-00448251	CSI-CLI-01782492	CSI-CLI-02270885	CSI-CLI-02459288	CSI-CLI-03806104	CSI-CLI-04817056	CSI-CLI-06397554
CSI-ANI-00066879	CSI-ANI-00448261	CSI-CLI-01782492	CSI-CLI-02270886	CSI-CLI-02459289	CSI-CLI-03806105	CSI-CLI-04874292	CSI-CLI-06397560
CSI-ANI-00067670	CSI-ANI-00448280	CSI-CLI-01785919	CSI-CLI-02270887	CSI-CLI-02459290	CSI-CLI-03806106	CSI-CLI-04874292	CSI-CLI-06397567
CSI-ANI-00071302	CSI-ANI-00448323	CSI-CLI-01785919	CSI-CLI-02270888	CSI-CLI-02459291	CSI-CLI-03806107	CSI-CLI-04874515	CSI-CLI-06397662
CSI-ANI-00071975	CSI-ANI-00448377	CSI-CLI-01786015	CSI-CLI-02270986	CSI-CLI-02459292	CSI-CLI-03806108	CSI-CLI-04876966	CSI-CLI-06397892
CSI-ANI-00072291	CSI-ANI-00448383	CSI-CLI-01786098	CSI-CLI-02272235	CSI-CLI-02459293	CSI-CLI-03806109	CSI-CLI-04879018	CSI-CLI-06397893
CSI-ANI-00072807	CSI-ANI-00448578	CSI-CLI-01787163	CSI-CLI-02274989	CSI-CLI-02459294	CSI-CLI-03806221	CSI-CLI-04879238	CSI-CLI-06397903
CSI-ANI-00072868	CSI-ANI-00448959	CSI-CLI-01787211	CSI-CLI-02276262	CSI-CLI-02459295	CSI-CLI-03806230	CSI-CLI-04884454	CSI-CLI-06397910
CSI-ANI-00075090	CSI-ANI-00449028	CSI-CLI-01787403	CSI-CLI-02276482	CSI-CLI-02459296	CSI-CLI-03806232	CSI-CLI-04904963	CSI-CLI-06397923
CSI-ANI-00075577	CSI-ANI-00449033	CSI-CLI-01787406	CSI-CLI-02276488	CSI-CLI-02459299	CSI-CLI-03806234	CSI-CLI-04911474	CSI-CLI-06397925
CSI-ANI-00075968	CSI-ANI-00449055	CSI-CLI-01787581	CSI-CLI-02276489	CSI-CLI-02459306	CSI-CLI-03806249	CSI-CLI-04911680	CSI-CLI-06397932
CSI-ANI-00077246	CSI-ANI-00449102	CSI-CLI-01790288	CSI-CLI-02276490	CSI-CLI-02459307	CSI-CLI-03806252	CSI-CLI-04912153	CSI-CLI-06397933
CSI-ANI-00077694	CSI-ANI-00449127	CSI-CLI-01791864	CSI-CLI-02276491	CSI-CLI-02459308	CSI-CLI-03806256	CSI-CLI-04912190	CSI-CLI-06397941
CSI-ANI-00077898	CSI-ANI-00449301	CSI-CLI-01792348	CSI-CLI-02276492	CSI-CLI-02459309	CSI-CLI-03806256	CSI-CLI-04912282	CSI-CLI-06398202
CSI-ANI-00078648	CSI-ANI-00449309	CSI-CLI-01792348	CSI-CLI-02276493	CSI-CLI-02459310	CSI-CLI-03806258	CSI-CLI-04912685	CSI-CLI-06398343
CSI-ANI-00080495	CSI-ANI-00449519	CSI-CLI-01793709	CSI-CLI-02276494	CSI-CLI-02459311	CSI-CLI-03806258	CSI-CLI-04918863	CSI-CLI-06398349
CSI-ANI-00080864	CSI-ANI-00449587	CSI-CLI-01794555	CSI-CLI-02276495	CSI-CLI-02459312	CSI-CLI-03806261	CSI-CLI-04922722	CSI-CLI-06398351
CSI-ANI-00080871	CSI-ANI-00449596	CSI-CLI-01794823	CSI-CLI-02276496	CSI-CLI-02459313	CSI-CLI-03806263	CSI-CLI-04925400	CSI-CLI-06398352
CSI-ANI-00081198	CSI-ANI-00449785	CSI-CLI-01794823	CSI-CLI-02276497	CSI-CLI-02459314	CSI-CLI-03806326	CSI-CLI-04932068	CSI-CLI-06398353
CSI-ANI-00081205	CSI-ANI-00449826	CSI-CLI-01794952	CSI-CLI-02276582	CSI-CLI-02459315	CSI-CLI-03806331	CSI-CLI-04932230	CSI-CLI-06398354
CSI-ANI-00081359	CSI-ANI-00449998	CSI-CLI-01794952	CSI-CLI-02276589	CSI-CLI-02459340	CSI-CLI-03806332	CSI-CLI-04933493	CSI-CLI-06398355
CSI-ANI-00081361	CSI-ANI-00450116	CSI-CLI-01796029	CSI-CLI-02276590	CSI-CLI-02459572	CSI-CLI-03806333	CSI-CLI-04938605	CSI-CLI-06398362
CSI-ANI-00081365	CSI-ANI-00450146	CSI-CLI-01796029	CSI-CLI-02276591	CSI-CLI-02459578	CSI-CLI-03806334	CSI-CLI-04943670	CSI-CLI-06398366
CSI-ANI-00081385	CSI-ANI-00450154	CSI-CLI-01796522	CSI-CLI-02276592	CSI-CLI-02459579	CSI-CLI-03806335	CSI-CLI-05039692	CSI-CLI-06398374
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CSI-ANI-00081553	CSI-ANI-00450264	CSI-CLI-01797317	CSI-CLI-02276596	CSI-CLI-02459583	CSI-CLI-03806339	CSI-CLI-05065301	CSI-CLI-06398523
CSI-ANI-00081589	CSI-ANI-00450289	CSI-CLI-01797715	CSI-CLI-02276597	CSI-CLI-02459584	CSI-CLI-03806340	CSI-CLI-05081128	CSI-CLI-06398529
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CSI-ANI-00081848	CSI-ANI-00450510	CSI-CLI-01797758	CSI-CLI-02277516	CSI-CLI-02459587	CSI-CLI-03806358	CSI-CLI-05090197	CSI-CLI-06398560
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CSI-ANI-00082398	CSI-ANI-00450614	CSI-CLI-01798457	CSI-CLI-02281548	CSI-CLI-02459655	CSI-CLI-03806361	CSI-CLI-05109690	CSI-CLI-06398590
CSI-ANI-00082467	CSI-ANI-00450624	CSI-CLI-01799088	CSI-CLI-02281549	CSI-CLI-02459656	CSI-CLI-03806362	CSI-CLI-05126135	CSI-CLI-06398639
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00082625	CSI-ANI-00451397	CSI-CLI-01799355	CSI-CLI-02281552	CSI-CLI-02459659	CSI-CLI-03806365	CSI-CLI-05154713	CSI-CLI-06398652
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CSI-ANI-00082991	CSI-ANI-00451582	CSI-CLI-01799799	CSI-CLI-02281555	CSI-CLI-02459662	CSI-CLI-03806368	CSI-CLI-05170126	CSI-CLI-06398664
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CSI-ANI-00083070	CSI-ANI-00451763	CSI-CLI-01803978	CSI-CLI-02283934	CSI-CLI-02459754	CSI-CLI-03806470	CSI-CLI-05182454	CSI-CLI-06398846
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CSI-ANI-00083243	CSI-ANI-00452028	CSI-CLI-01804020	CSI-CLI-02283938	CSI-CLI-02459758	CSI-CLI-03806474	CSI-CLI-05200628	CSI-CLI-06398963
CSI-ANI-00083329	CSI-ANI-00452050	CSI-CLI-01804027	CSI-CLI-02283939	CSI-CLI-02459759	CSI-CLI-03806475	CSI-CLI-05200690	CSI-CLI-06398964
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CSI-ANI-00083335	CSI-ANI-00452358	CSI-CLI-01804029	CSI-CLI-02285674	CSI-CLI-02459761	CSI-CLI-03806477	CSI-CLI-05200691	CSI-CLI-06398979
CSI-ANI-00083371	CSI-ANI-00452371	CSI-CLI-01804030	CSI-CLI-02287677	CSI-CLI-02460590	CSI-CLI-03806478	CSI-CLI-05205830	CSI-CLI-06398985
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CSI-ANI-00085261	CSI-ANI-00456600	CSI-CLI-01805918	CSI-CLI-02292097	CSI-CLI-02466987	CSI-CLI-03806622	CSI-CLI-05271031	CSI-CLI-06399226
CSI-ANI-00085683	CSI-ANI-00456674	CSI-CLI-01806126	CSI-CLI-02292098	CSI-CLI-02467933	CSI-CLI-03806623	CSI-CLI-05271586	CSI-CLI-06399230
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CSI-ANI-00085810	CSI-ANI-00456731	CSI-CLI-01806510	CSI-CLI-02292101	CSI-CLI-02470694	CSI-CLI-03806740	CSI-CLI-05288037	CSI-CLI-06399284
CSI-ANI-00085838	CSI-ANI-00456777	CSI-CLI-01806645	CSI-CLI-02292102	CSI-CLI-02474399	CSI-CLI-03806741	CSI-CLI-05288261	CSI-CLI-06399285
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00086175	CSI-ANI-00458242	CSI-CLI-01809441	CSI-CLI-02297357	CSI-CLI-02478385	CSI-CLI-03806759	CSI-CLI-05948804	CSI-CLI-06399407
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CSI-ANI-00086756	CSI-ANI-00460008	CSI-CLI-01819100	CSI-CLI-02297682	CSI-CLI-02478956	CSI-CLI-03807019	CSI-CLI-06083826	CSI-CLI-06399472
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CSI-ANI-00089785	CSI-ANI-00462007	CSI-CLI-02046408	CSI-CLI-02300032	CSI-CLI-02498316	CSI-CLI-03807180	CSI-CLI-06107835	CSI-CLI-06399728
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CSI-ANI-00090306	CSI-ANI-00462298	CSI-CLI-02051915	CSI-CLI-02300037	CSI-CLI-02499073	CSI-CLI-03807185	CSI-CLI-06107896	CSI-CLI-06399755
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CSI-ANI-00090557	CSI-ANI-00462421	CSI-CLI-02057556	CSI-CLI-02300039	CSI-CLI-02868917	CSI-CLI-03807187	CSI-CLI-06119678	CSI-CLI-06399770
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CSI-ANI-00090840	CSI-ANI-00462644	CSI-CLI-02057631	CSI-CLI-02300041	CSI-CLI-02906678	CSI-CLI-03807463	CSI-CLI-06119707	CSI-CLI-06399782
CSI-ANI-00090862	CSI-ANI-00463043	CSI-CLI-02059723	CSI-CLI-02301536	CSI-CLI-02918657	CSI-CLI-03807464	CSI-CLI-06119718	CSI-CLI-06399795
CSI-ANI-00091581	CSI-ANI-00463257	CSI-CLI-02059723	CSI-CLI-02301541	CSI-CLI-02959362	CSI-CLI-03807464	CSI-CLI-06119732	CSI-CLI-06399799
CSI-ANI-00091695	CSI-ANI-00464151	CSI-CLI-02059808	CSI-CLI-02301542	CSI-CLI-02959495	CSI-CLI-03807574	CSI-CLI-06137529	CSI-CLI-06399801
CSI-ANI-00092059	CSI-ANI-00464255	CSI-CLI-02060035	CSI-CLI-02301543	CSI-CLI-03029416	CSI-CLI-03807578	CSI-CLI-06137595	CSI-CLI-06399825
CSI-ANI-00092393	CSI-ANI-00464670	CSI-CLI-02060093	CSI-CLI-02301544	CSI-CLI-03104847	CSI-CLI-03807585	CSI-CLI-06137621	CSI-CLI-06399841
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CSI-ANI-00092636	CSI-ANI-00464714	CSI-CLI-02060598	CSI-CLI-02301546	CSI-CLI-03109297	CSI-CLI-03807587	CSI-CLI-06147060	CSI-CLI-06399850
CSI-ANI-00092680	CSI-ANI-00464721	CSI-CLI-02060785	CSI-CLI-02301547	CSI-CLI-03113268	CSI-CLI-03807588	CSI-CLI-06147076	CSI-CLI-06399855

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00092690	CSI-ANI-00464780	CSI-CLI-02060785	CSI-CLI-02301548	CSI-CLI-03113786	CSI-CLI-03807589	CSI-CLI-06147119	CSI-CLI-06399888
CSI-ANI-00092904	CSI-ANI-00464943	CSI-CLI-02060900	CSI-CLI-02301549	CSI-CLI-03114437	CSI-CLI-03807590	CSI-CLI-06147135	CSI-CLI-06399889
CSI-ANI-00093227	CSI-ANI-00464958	CSI-CLI-02061163	CSI-CLI-02301550	CSI-CLI-03114726	CSI-CLI-03807591	CSI-CLI-06147147	CSI-CLI-06399890
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CSI-ANI-00093986	CSI-ANI-00465245	CSI-CLI-02065898	CSI-CLI-02301878	CSI-CLI-03214406	CSI-CLI-03807593	CSI-CLI-06147209	CSI-CLI-06399933
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CSI-ANI-00095042	CSI-ANI-00466160	CSI-CLI-02073039	CSI-CLI-02301887	CSI-CLI-03215781	CSI-CLI-03807637	CSI-CLI-06147377	CSI-CLI-06400038
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CSI-ANI-00095077	CSI-ANI-00466262	CSI-CLI-02073048	CSI-CLI-02302085	CSI-CLI-03215994	CSI-CLI-03807639	CSI-CLI-06147424	CSI-CLI-06400047
CSI-ANI-00095089	CSI-ANI-00467202	CSI-CLI-02073138	CSI-CLI-02302090	CSI-CLI-03216204	CSI-CLI-03807640	CSI-CLI-06147429	CSI-CLI-06400096
CSI-ANI-00095192	CSI-ANI-00467211	CSI-CLI-02073352	CSI-CLI-02302091	CSI-CLI-03217179	CSI-CLI-03807641	CSI-CLI-06147509	CSI-CLI-06400097
CSI-ANI-00095294	CSI-ANI-00467223	CSI-CLI-02073352	CSI-CLI-02302092	CSI-CLI-03217263	CSI-CLI-03807642	CSI-CLI-06147514	CSI-CLI-06400099
CSI-ANI-00095406	CSI-ANI-00467305	CSI-CLI-02073425	CSI-CLI-02302093	CSI-CLI-03217557	CSI-CLI-03807643	CSI-CLI-06147571	CSI-CLI-06400100
CSI-ANI-00095416	CSI-ANI-00467338	CSI-CLI-02073425	CSI-CLI-02302094	CSI-CLI-03217927	CSI-CLI-03807668	CSI-CLI-06147573	CSI-CLI-06400101
CSI-ANI-00095752	CSI-ANI-00467358	CSI-CLI-02073570	CSI-CLI-02302095	CSI-CLI-03217962	CSI-CLI-03807668	CSI-CLI-06147606	CSI-CLI-06400121
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CSI-ANI-00095777	CSI-ANI-00467611	CSI-CLI-02073623	CSI-CLI-02302097	CSI-CLI-03218084	CSI-CLI-03807683	CSI-CLI-06147621	CSI-CLI-06400123
CSI-ANI-00095779	CSI-ANI-00467784	CSI-CLI-02073835	CSI-CLI-02302098	CSI-CLI-03218090	CSI-CLI-03807690	CSI-CLI-06147626	CSI-CLI-06400124
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CSI-ANI-00096791	CSI-ANI-00467911	CSI-CLI-02074213	CSI-CLI-02304070	CSI-CLI-03218539	CSI-CLI-03807694	CSI-CLI-06147799	CSI-CLI-06400167
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CSI-ANI-00097955	CSI-ANI-00467949	CSI-CLI-02074380	CSI-CLI-02305051	CSI-CLI-03219043	CSI-CLI-03807696	CSI-CLI-06147819	CSI-CLI-06400178
CSI-ANI-00097977	CSI-ANI-00468414	CSI-CLI-02074427	CSI-CLI-02305052	CSI-CLI-03219086	CSI-CLI-03807697	CSI-CLI-06147822	CSI-CLI-06400179
CSI-ANI-00097979	CSI-ANI-00468416	CSI-CLI-02074431	CSI-CLI-02305053	CSI-CLI-03219434	CSI-CLI-03807698	CSI-CLI-06147825	CSI-CLI-06400217
CSI-ANI-00098315	CSI-ANI-00468560	CSI-CLI-02074437	CSI-CLI-02305054	CSI-CLI-03219595	CSI-CLI-03807699	CSI-CLI-06147827	CSI-CLI-06400244
CSI-ANI-00098504	CSI-ANI-00468634	CSI-CLI-02074443	CSI-CLI-02305055	CSI-CLI-03219770	CSI-CLI-03807700	CSI-CLI-06147829	CSI-CLI-06400245
CSI-ANI-00098515	CSI-ANI-00468990	CSI-CLI-02074453	CSI-CLI-02305056	CSI-CLI-03219875	CSI-CLI-03807706	CSI-CLI-06147874	CSI-CLI-06400246
CSI-ANI-00098583	CSI-ANI-00469083	CSI-CLI-02076473	CSI-CLI-02305057	CSI-CLI-03219941	CSI-CLI-03807707	CSI-CLI-06147911	CSI-CLI-06400286
CSI-ANI-00098621	CSI-ANI-00469090	CSI-CLI-02076592	CSI-CLI-02305058	CSI-CLI-03220386	CSI-CLI-03807708	CSI-CLI-06147967	CSI-CLI-06400287
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CSI-ANI-00099131	CSI-ANI-00469152	CSI-CLI-02076735	CSI-CLI-02305060	CSI-CLI-03220413	CSI-CLI-03807710	CSI-CLI-06148002	CSI-CLI-06400311
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CSI-ANI-00100485	CSI-ANI-00469978	CSI-CLI-02076767	CSI-CLI-02306216	CSI-CLI-03220917	CSI-CLI-03807713	CSI-CLI-06148086	CSI-CLI-06400353
CSI-ANI-00100705	CSI-ANI-00470140	CSI-CLI-02076773	CSI-CLI-02306217	CSI-CLI-03221042	CSI-CLI-03807714	CSI-CLI-06148088	CSI-CLI-06400354
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CSI-ANI-00102123	CSI-ANI-00471203	CSI-CLI-02076872	CSI-CLI-02306220	CSI-CLI-03221959	CSI-CLI-03807749	CSI-CLI-06148095	CSI-CLI-06400383
CSI-ANI-00102314	CSI-ANI-00471830	CSI-CLI-02076884	CSI-CLI-02306221	CSI-CLI-03221960	CSI-CLI-03807750	CSI-CLI-06148097	CSI-CLI-06400407

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00102362	CSI-ANI-00472001	CSI-CLI-02076900	CSI-CLI-02306222	CSI-CLI-03221960	CSI-CLI-03807751	CSI-CLI-06148136	CSI-CLI-06400421
CSI-ANI-00102470	CSI-ANI-00472029	CSI-CLI-02076906	CSI-CLI-02306223	CSI-CLI-03221968	CSI-CLI-03807752	CSI-CLI-06148140	CSI-CLI-06400441
CSI-ANI-00102785	CSI-ANI-00472295	CSI-CLI-02076910	CSI-CLI-02306224	CSI-CLI-03222532	CSI-CLI-03807753	CSI-CLI-06148169	CSI-CLI-06400454
CSI-ANI-00103008	CSI-ANI-00472434	CSI-CLI-02076980	CSI-CLI-02306225	CSI-CLI-03222735	CSI-CLI-03807754	CSI-CLI-06148177	CSI-CLI-06400457
CSI-ANI-00103013	CSI-ANI-00472599	CSI-CLI-02076985	CSI-CLI-02308342	CSI-CLI-03223666	CSI-CLI-03807755	CSI-CLI-06148183	CSI-CLI-06400466
CSI-ANI-00103051	CSI-ANI-00472804	CSI-CLI-02077040	CSI-CLI-02309641	CSI-CLI-03223799	CSI-CLI-03807756	CSI-CLI-06148199	CSI-CLI-06400475
CSI-ANI-00103803	CSI-ANI-00472841	CSI-CLI-02077404	CSI-CLI-02310882	CSI-CLI-03224508	CSI-CLI-03807757	CSI-CLI-06148214	CSI-CLI-06400485
CSI-ANI-00105024	CSI-ANI-00473074	CSI-CLI-02077404	CSI-CLI-02311204	CSI-CLI-03226238	CSI-CLI-03807758	CSI-CLI-06148229	CSI-CLI-06400493
CSI-ANI-00105545	CSI-ANI-00473115	CSI-CLI-02077414	CSI-CLI-02311219	CSI-CLI-03226826	CSI-CLI-03807759	CSI-CLI-06148251	CSI-CLI-06400494
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CSI-ANI-00105585	CSI-ANI-00473730	CSI-CLI-02077417	CSI-CLI-02314242	CSI-CLI-03228080	CSI-CLI-03807771	CSI-CLI-06148283	CSI-CLI-06400496
CSI-ANI-00105587	CSI-ANI-00473741	CSI-CLI-02077425	CSI-CLI-02319113	CSI-CLI-03228178	CSI-CLI-03807778	CSI-CLI-06148302	CSI-CLI-06400497
CSI-ANI-00105637	CSI-ANI-00473917	CSI-CLI-02077425	CSI-CLI-02319118	CSI-CLI-03228214	CSI-CLI-03807829	CSI-CLI-06148305	CSI-CLI-06400498
CSI-ANI-00105639	CSI-ANI-00474105	CSI-CLI-02077426	CSI-CLI-02319119	CSI-CLI-03228227	CSI-CLI-03807833	CSI-CLI-06148320	CSI-CLI-06400500
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CSI-ANI-00105769	CSI-ANI-00474484	CSI-CLI-02077455	CSI-CLI-02319123	CSI-CLI-03229257	CSI-CLI-03807843	CSI-CLI-06148360	CSI-CLI-06400544
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CSI-ANI-00113020	CSI-ANI-00631466	CSI-CLI-02077744	CSI-CLI-023323861	CSI-CLI-03247150	CSI-CLI-03807948	CSI-CLI-06148647	CSI-CLI-06400811
CSI-ANI-00113118	CSI-ANI-00631474	CSI-CLI-02077784	CSI-CLI-02333123	CSI-CLI-03249184	CSI-CLI-03807952	CSI-CLI-06148657	CSI-CLI-06400834
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

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CSI-ANI-00115327	CSI-ANI-00669682	CSI-CLI-02077992	CSI-CLI-02333134	CSI-CLI-03266065	CSI-CLI-03808683	CSI-CLI-06148771	CSI-CLI-06400871
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CSI-ANI-00251803	CSI-ANI-00670506	CSI-CLI-02077995	CSI-CLI-02333753	CSI-CLI-03266586	CSI-CLI-03808866	CSI-CLI-06148872	CSI-CLI-06400934
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CSI-ANI-00391224	CSI-ANI-00670915	CSI-CLI-02078313	CSI-CLI-02333756	CSI-CLI-03266949	CSI-CLI-03808869	CSI-CLI-06148906	CSI-CLI-06400949
CSI-ANI-00393193	CSI-ANI-00670974	CSI-CLI-02078320	CSI-CLI-02333757	CSI-CLI-03266950	CSI-CLI-03808870	CSI-CLI-06148923	CSI-CLI-06400950
CSI-ANI-00393775	CSI-ANI-00671157	CSI-CLI-02078320	CSI-CLI-02333758	CSI-CLI-03266994	CSI-CLI-03808871	CSI-CLI-06148924	CSI-CLI-06400960
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CSI-ANI-00396674	CSI-ANI-00671636	CSI-CLI-02079359	CSI-CLI-02333760	CSI-CLI-03267118	CSI-CLI-03808873	CSI-CLI-06148955	CSI-CLI-06400962
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CSI-ANI-00398366	CSI-ANI-00674298	CSI-CLI-02084575	CSI-CLI-02342210	CSI-CLI-03267662	CSI-CLI-03809959	CSI-CLI-06149053	CSI-CLI-06401068
CSI-ANI-00399054	CSI-ANI-00674667	CSI-CLI-02084581	CSI-CLI-02342216	CSI-CLI-03268272	CSI-CLI-03809960	CSI-CLI-06149054	CSI-CLI-06401084
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CSI-ANI-00400420	CSI-CLI-00807419	CSI-CLI-02086379	CSI-CLI-02342435	CSI-CLI-03272146	CSI-CLI-03810085	CSI-CLI-06149120	CSI-CLI-06401224
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CSI-ANI-00401346	CSI-CLI-01096506	CSI-CLI-02086747	CSI-CLI-02342659	CSI-CLI-03276877	CSI-CLI-03810098	CSI-CLI-06149144	CSI-CLI-06401308
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CSI-ANI-00401752	CSI-CLI-01124888	CSI-CLI-02086900	CSI-CLI-02348141	CSI-CLI-03277254	CSI-CLI-03810100	CSI-CLI-06149154	CSI-CLI-06401393
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CSI-ANI-00402853	CSI-CLI-01125374	CSI-CLI-02086994	CSI-CLI-02348144	CSI-CLI-03277585	CSI-CLI-03810103	CSI-CLI-06149208	CSI-CLI-06401645
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CSI-ANI-00403566	CSI-CLI-01289126	CSI-CLI-02086998	CSI-CLI-02348146	CSI-CLI-03278073	CSI-CLI-03810301	CSI-CLI-06149217	CSI-CLI-06401665
CSI-ANI-00403730	CSI-CLI-01299702	CSI-CLI-02087031	CSI-CLI-02348147	CSI-CLI-03278830	CSI-CLI-03810374	CSI-CLI-06149220	CSI-CLI-06401666
CSI-ANI-00403849	CSI-CLI-01299807	CSI-CLI-02087036	CSI-CLI-02348148	CSI-CLI-03279448	CSI-CLI-03810415	CSI-CLI-06149222	CSI-CLI-06401669

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00404350	CSI-CLI-01299888	CSI-CLI-02087046	CSI-CLI-02348149	CSI-CLI-03279461	CSI-CLI-03810415	CSI-CLI-06149224	CSI-CLI-06401701
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CSI-ANI-00407842	CSI-CLI-01318550	CSI-CLI-02087617	CSI-CLI-02348384	CSI-CLI-03281064	CSI-CLI-03810627	CSI-CLI-06149253	CSI-CLI-06401722
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CSI-ANI-00410328	CSI-CLI-01326890	CSI-CLI-02087884	CSI-CLI-02352767	CSI-CLI-03282695	CSI-CLI-03811560	CSI-CLI-06149359	CSI-CLI-06401842
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CSI-ANI-00410630	CSI-CLI-01335895	CSI-CLI-02088289	CSI-CLI-02359741	CSI-CLI-03283642	CSI-CLI-03811850	CSI-CLI-06149531	CSI-CLI-06401985
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CSI-ANI-00411320	CSI-CLI-01400934	CSI-CLI-02088785	CSI-CLI-02359747	CSI-CLI-03284387	CSI-CLI-03811856	CSI-CLI-06149596	CSI-CLI-06402076
CSI-ANI-00411340	CSI-CLI-01401379	CSI-CLI-02088804	CSI-CLI-02359749	CSI-CLI-03284534	CSI-CLI-03811857	CSI-CLI-06149615	CSI-CLI-06402077
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CSI-ANI-00411958	CSI-CLI-01428853	CSI-CLI-02089580	CSI-CLI-02361296	CSI-CLI-03288955	CSI-CLI-03812101	CSI-CLI-06268920	CSI-CLI-06402318
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

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CSI-ANI-00412037	CSI-CLI-01431815	CSI-CLI-02091962	CSI-CLI-02365491	CSI-CLI-03289210	CSI-CLI-03812103	CSI-CLI-06317190	CSI-CLI-06402363
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CSI-ANI-00412320	CSI-CLI-01432917	CSI-CLI-02092029	CSI-CLI-02365496	CSI-CLI-03289362	CSI-CLI-03812302	CSI-CLI-06317283	CSI-CLI-06402439
CSI-ANI-00412332	CSI-CLI-01432942	CSI-CLI-02092060	CSI-CLI-02365497	CSI-CLI-03289900	CSI-CLI-03812303	CSI-CLI-06317284	CSI-CLI-06402440
CSI-ANI-00412849	CSI-CLI-01433065	CSI-CLI-02092069	CSI-CLI-02365498	CSI-CLI-03290452	CSI-CLI-03812304	CSI-CLI-06317286	CSI-CLI-06402458
CSI-ANI-00412903	CSI-CLI-01433066	CSI-CLI-02092143	CSI-CLI-02365499	CSI-CLI-03290749	CSI-CLI-03812305	CSI-CLI-06386117	CSI-CLI-06402509
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CSI-ANI-00414172	CSI-CLI-01444924	CSI-CLI-02092309	CSI-CLI-02365528	CSI-CLI-03293971	CSI-CLI-03812317	CSI-CLI-06393904	CSI-CLI-06402612
CSI-ANI-00414284	CSI-CLI-01448873	CSI-CLI-02092310	CSI-CLI-02365529	CSI-CLI-03294573	CSI-CLI-03813192	CSI-CLI-06393905	CSI-CLI-06402675
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CSI-ANI-00414450	CSI-CLI-01449978	CSI-CLI-02092312	CSI-CLI-02365531	CSI-CLI-03296415	CSI-CLI-03813219	CSI-CLI-06393915	CSI-CLI-06402709
CSI-ANI-00414488	CSI-CLI-01453601	CSI-CLI-02092313	CSI-CLI-02365532	CSI-CLI-03297088	CSI-CLI-03813226	CSI-CLI-06394003	CSI-CLI-06402710
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CSI-ANI-00414706	CSI-CLI-01466012	CSI-CLI-02092315	CSI-CLI-02365534	CSI-CLI-03297204	CSI-CLI-03813228	CSI-CLI-06394026	CSI-CLI-06402764
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CSI-ANI-00414757	CSI-CLI-01468789	CSI-CLI-02092317	CSI-CLI-02365536	CSI-CLI-03297658	CSI-CLI-03813230	CSI-CLI-06394053	CSI-CLI-06402766
CSI-ANI-00414800	CSI-CLI-01472457	CSI-CLI-02092410	CSI-CLI-02367967	CSI-CLI-03297690	CSI-CLI-03813231	CSI-CLI-06394061	CSI-CLI-06402789
CSI-ANI-00414888	CSI-CLI-01473269	CSI-CLI-02092418	CSI-CLI-02372593	CSI-CLI-03297698	CSI-CLI-03813232	CSI-CLI-06394082	CSI-CLI-06402811
CSI-ANI-00414890	CSI-CLI-01479634	CSI-CLI-02092418	CSI-CLI-02372711	CSI-CLI-03297790	CSI-CLI-03813233	CSI-CLI-06394083	CSI-CLI-06402816
CSI-ANI-00414999	CSI-CLI-01481875	CSI-CLI-02092437	CSI-CLI-02373245	CSI-CLI-03297870	CSI-CLI-03813234	CSI-CLI-06394088	CSI-CLI-06402863
CSI-ANI-00415050	CSI-CLI-01481875	CSI-CLI-02092437	CSI-CLI-02374095	CSI-CLI-03298585	CSI-CLI-03813235	CSI-CLI-06394089	CSI-CLI-06402878
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CSI-ANI-00415369	CSI-CLI-01485604	CSI-CLI-02092863	CSI-CLI-02374102	CSI-CLI-03299401	CSI-CLI-03813857	CSI-CLI-06394091	CSI-CLI-06402880
CSI-ANI-00415493	CSI-CLI-01516937	CSI-CLI-02092875	CSI-CLI-02374103	CSI-CLI-03299527	CSI-CLI-03813864	CSI-CLI-06394096	CSI-CLI-06402906
CSI-ANI-00415574	CSI-CLI-01560297	CSI-CLI-02092875	CSI-CLI-02374104	CSI-CLI-03299608	CSI-CLI-03813864	CSI-CLI-06394105	CSI-CLI-06402951
CSI-ANI-00416209	CSI-CLI-01562360	CSI-CLI-02092895	CSI-CLI-02374105	CSI-CLI-03299689	CSI-CLI-03816595	CSI-CLI-06394110	CSI-CLI-06402952
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CSI-ANI-00416239	CSI-CLI-01572876	CSI-CLI-02092906	CSI-CLI-02374107	CSI-CLI-03301156	CSI-CLI-03816603	CSI-CLI-06394129	CSI-CLI-06402954
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CSI-ANI-00417560	CSI-CLI-01575591	CSI-CLI-02093365	CSI-CLI-02379512	CSI-CLI-03303305	CSI-CLI-03816615	CSI-CLI-06394147	CSI-CLI-06403095
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CSI-ANI-00417646	CSI-CLI-01576433	CSI-CLI-02093425	CSI-CLI-02384657	CSI-CLI-03303728	CSI-CLI-03816618	CSI-CLI-06394154	CSI-CLI-06403100
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CSI-ANI-00418053	CSI-CLI-01576787	CSI-CLI-02093433	CSI-CLI-02384928	CSI-CLI-03304103	CSI-CLI-03816681	CSI-CLI-06394203	CSI-CLI-06403121
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00418118	CSI-CLI-01577417	CSI-CLI-02093611	CSI-CLI-02384931	CSI-CLI-03304795	CSI-CLI-03816720	CSI-CLI-06394215	CSI-CLI-06403148
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CSI-ANI-00418712	CSI-CLI-01577803	CSI-CLI-02095256	CSI-CLI-02384935	CSI-CLI-03306192	CSI-CLI-03816724	CSI-CLI-06394330	CSI-CLI-06403214
CSI-ANI-00418764	CSI-CLI-01577932	CSI-CLI-02095260	CSI-CLI-02384936	CSI-CLI-03306608	CSI-CLI-03816725	CSI-CLI-06394331	CSI-CLI-06403215
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CSI-ANI-00419362	CSI-CLI-01584933	CSI-CLI-02098562	CSI-CLI-02385823	CSI-CLI-03308173	CSI-CLI-03817501	CSI-CLI-06394359	CSI-CLI-06403451
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CSI-ANI-00419576	CSI-CLI-01588647	CSI-CLI-02099007	CSI-CLI-02387320	CSI-CLI-03310588	CSI-CLI-03817762	CSI-CLI-06394385	CSI-CLI-06403588
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CSI-ANI-00421316	CSI-CLI-01594292	CSI-CLI-02103355	CSI-CLI-02388049	CSI-CLI-03316782	CSI-CLI-03822848	CSI-CLI-06394512	CSI-CLI-06403804
CSI-ANI-00421364	CSI-CLI-01594297	CSI-CLI-02103356	CSI-CLI-02388050	CSI-CLI-03316805	CSI-CLI-03822849	CSI-CLI-06394517	CSI-CLI-06403805
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CSI-ANI-00421806	CSI-CLI-01594473	CSI-CLI-02103360	CSI-CLI-02388054	CSI-CLI-03317301	CSI-CLI-03822853	CSI-CLI-06394548	CSI-CLI-06403879
CSI-ANI-00421851	CSI-CLI-01594495	CSI-CLI-02103361	CSI-CLI-02388055	CSI-CLI-03317464	CSI-CLI-03822854	CSI-CLI-06394577	CSI-CLI-06403907
CSI-ANI-00421930	CSI-CLI-01594500	CSI-CLI-02103362	CSI-CLI-02388056	CSI-CLI-03317800	CSI-CLI-03823027	CSI-CLI-06394578	CSI-CLI-06403908
CSI-ANI-00422026	CSI-CLI-01594834	CSI-CLI-02103515	CSI-CLI-02388057	CSI-CLI-03318411	CSI-CLI-03823034	CSI-CLI-06394586	CSI-CLI-06403936
CSI-ANI-00422065	CSI-CLI-01594838	CSI-CLI-02103520	CSI-CLI-02388058	CSI-CLI-03318814	CSI-CLI-03823035	CSI-CLI-06394593	CSI-CLI-06403959
CSI-ANI-00422151	CSI-CLI-01599986	CSI-CLI-02103535	CSI-CLI-02388326	CSI-CLI-03319908	CSI-CLI-03823036	CSI-CLI-06394602	CSI-CLI-06403960
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

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CSI-ANI-00422504	CSI-CLI-01611542	CSI-CLI-02103545	CSI-CLI-02394678	CSI-CLI-03321964	CSI-CLI-03823041	CSI-CLI-06394635	CSI-CLI-06404024
CSI-ANI-00422518	CSI-CLI-01613452	CSI-CLI-02103546	CSI-CLI-02394685	CSI-CLI-03322264	CSI-CLI-03823042	CSI-CLI-06394644	CSI-CLI-06404051
CSI-ANI-00422521	CSI-CLI-01613645	CSI-CLI-02103547	CSI-CLI-02394686	CSI-CLI-03324804	CSI-CLI-03823043	CSI-CLI-06394653	CSI-CLI-06404052
CSI-ANI-00422630	CSI-CLI-01616338	CSI-CLI-02103548	CSI-CLI-02394687	CSI-CLI-03325408	CSI-CLI-03823044	CSI-CLI-06394661	CSI-CLI-06404083
CSI-ANI-00422828	CSI-CLI-01631876	CSI-CLI-02103549	CSI-CLI-02394688	CSI-CLI-03325719	CSI-CLI-03823182	CSI-CLI-06394680	CSI-CLI-06404132
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CSI-ANI-00425418	CSI-CLI-01686936	CSI-CLI-02109077	CSI-CLI-02395621	CSI-CLI-03331794	CSI-CLI-03824118	CSI-CLI-06394756	CSI-CLI-06404565
CSI-ANI-00425468	CSI-CLI-01692937	CSI-CLI-02109079	CSI-CLI-02395662	CSI-CLI-03331938	CSI-CLI-03824119	CSI-CLI-06394758	CSI-CLI-06404616
CSI-ANI-00425469	CSI-CLI-01694721	CSI-CLI-02109079	CSI-CLI-02395866	CSI-CLI-03331938	CSI-CLI-03824120	CSI-CLI-06394769	CSI-CLI-06404631
CSI-ANI-00425608	CSI-CLI-01695827	CSI-CLI-02109196	CSI-CLI-02395926	CSI-CLI-03331956	CSI-CLI-03824121	CSI-CLI-06394770	CSI-CLI-06404632
CSI-ANI-00425872	CSI-CLI-01698538	CSI-CLI-02109210	CSI-CLI-02396118	CSI-CLI-03331956	CSI-CLI-03824122	CSI-CLI-06394784	CSI-CLI-06404654
CSI-ANI-00425917	CSI-CLI-01698544	CSI-CLI-02109210	CSI-CLI-02396125	CSI-CLI-03332442	CSI-CLI-03824172	CSI-CLI-06394785	CSI-CLI-06404658
CSI-ANI-00425922	CSI-CLI-01698550	CSI-CLI-02111467	CSI-CLI-02396126	CSI-CLI-03332572	CSI-CLI-03824178	CSI-CLI-06394793	CSI-CLI-06404663
CSI-ANI-00425927	CSI-CLI-01698555	CSI-CLI-02112360	CSI-CLI-02396127	CSI-CLI-03333619	CSI-CLI-03824179	CSI-CLI-06394801	CSI-CLI-06404717
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CSI-ANI-00425985	CSI-CLI-01702454	CSI-CLI-02130659	CSI-CLI-02396129	CSI-CLI-03334302	CSI-CLI-03824181	CSI-CLI-06394810	CSI-CLI-06404728
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CSI-ANI-00426173	CSI-CLI-01704088	CSI-CLI-02176972	CSI-CLI-02396131	CSI-CLI-03335006	CSI-CLI-03824183	CSI-CLI-06394824	CSI-CLI-06404760
CSI-ANI-00426360	CSI-CLI-01704094	CSI-CLI-02179889	CSI-CLI-02396132	CSI-CLI-03335022	CSI-CLI-03824184	CSI-CLI-06394832	CSI-CLI-06404775
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CSI-ANI-00426440	CSI-CLI-01704328	CSI-CLI-02180507	CSI-CLI-02396134	CSI-CLI-03335147	CSI-CLI-03824186	CSI-CLI-06394863	CSI-CLI-06404783
CSI-ANI-00426446	CSI-CLI-01704355	CSI-CLI-02180843	CSI-CLI-02396665	CSI-CLI-03335672	CSI-CLI-03824187	CSI-CLI-06394868	CSI-CLI-06404810
CSI-ANI-00426602	CSI-CLI-01704355	CSI-CLI-02181442	CSI-CLI-02397219	CSI-CLI-03335913	CSI-CLI-03824206	CSI-CLI-06394882	CSI-CLI-06404811
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CSI-ANI-00427197	CSI-CLI-01704408	CSI-CLI-02194677	CSI-CLI-02398559	CSI-CLI-03337100	CSI-CLI-03824485	CSI-CLI-06394893	CSI-CLI-06404835
CSI-ANI-00427214	CSI-CLI-01704772	CSI-CLI-02231350	CSI-CLI-02401607	CSI-CLI-03337577	CSI-CLI-03824486	CSI-CLI-06394900	CSI-CLI-06404872
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CSI-ANI-00427721	CSI-CLI-01710298	CSI-CLI-02232067	CSI-CLI-02401618	CSI-CLI-03340162	CSI-CLI-03824492	CSI-CLI-06394944	CSI-CLI-06404942

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

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CSI-ANI-00427792	CSI-CLI-01710948	CSI-CLI-02232069	CSI-CLI-02401620	CSI-CLI-03340757	CSI-CLI-03824494	CSI-CLI-06394946	CSI-CLI-06404964
CSI-ANI-00427854	CSI-CLI-01711380	CSI-CLI-02232070	CSI-CLI-02401621	CSI-CLI-03341774	CSI-CLI-03824495	CSI-CLI-06394947	CSI-CLI-06405037
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CSI-ANI-00428410	CSI-CLI-01715953	CSI-CLI-02232184	CSI-CLI-02402654	CSI-CLI-03346655	CSI-CLI-03824574	CSI-CLI-06395012	CSI-CLI-06405370
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CSI-ANI-00429267	CSI-CLI-01720402	CSI-CLI-02232399	CSI-CLI-02403377	CSI-CLI-03369345	CSI-CLI-03824856	CSI-CLI-06395168	CSI-CLI-06405690
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CSI-ANI-00429704	CSI-CLI-01721842	CSI-CLI-02232403	CSI-CLI-02403381	CSI-CLI-03422461	CSI-CLI-03824860	CSI-CLI-06395180	CSI-CLI-06405796
CSI-ANI-00429752	CSI-CLI-01723576	CSI-CLI-02232404	CSI-CLI-02403382	CSI-CLI-03423012	CSI-CLI-03824861	CSI-CLI-06395181	CSI-CLI-06405854
CSI-ANI-00429762	CSI-CLI-01726646	CSI-CLI-02232405	CSI-CLI-02403383	CSI-CLI-03423139	CSI-CLI-03824862	CSI-CLI-06395182	CSI-CLI-06405855
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CSI-ANI-00429897	CSI-CLI-01729372	CSI-CLI-02238667	CSI-CLI-02409064	CSI-CLI-03424209	CSI-CLI-03826196	CSI-CLI-06395232	CSI-CLI-06406006
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CSI-ANI-00431250	CSI-CLI-01734133	CSI-CLI-02239323	CSI-CLI-02409072	CSI-CLI-03426541	CSI-CLI-03827011	CSI-CLI-06395270	CSI-CLI-06406272
CSI-ANI-00431269	CSI-CLI-01734814	CSI-CLI-02239373	CSI-CLI-02409073	CSI-CLI-03426615	CSI-CLI-03827926	CSI-CLI-06395271	CSI-CLI-06406314
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CSI-ANI-00431510	CSI-CLI-01738011	CSI-CLI-02240861	CSI-CLI-02413999	CSI-CLI-03429615	CSI-CLI-03829531	CSI-CLI-06395518	CSI-CLI-06406436
CSI-ANI-00431602	CSI-CLI-01739868	CSI-CLI-02240866	CSI-CLI-02414000	CSI-CLI-03431244	CSI-CLI-03829593	CSI-CLI-06395529	CSI-CLI-06406482
CSI-ANI-00431612	CSI-CLI-01742816	CSI-CLI-02241874	CSI-CLI-02414001	CSI-CLI-03432931	CSI-CLI-03829819	CSI-CLI-06395539	CSI-CLI-06406483

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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00431621	CSI-CLI-01743026	CSI-CLI-02243971	CSI-CLI-02414002	CSI-CLI-03433190	CSI-CLI-03830014	CSI-CLI-06395540	CSI-CLI-06406529
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CSI-ANI-00432175	CSI-CLI-01744181	CSI-CLI-02243979	CSI-CLI-02414005	CSI-CLI-03434219	CSI-CLI-03831389	CSI-CLI-06395836	CSI-CLI-06406619
CSI-ANI-00432211	CSI-CLI-01744191	CSI-CLI-02243980	CSI-CLI-02414006	CSI-CLI-03434360	CSI-CLI-03831523	CSI-CLI-06395843	CSI-CLI-06406632
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CSI-ANI-00434415	CSI-CLI-01751928	CSI-CLI-02257793	CSI-CLI-02418792	CSI-CLI-03802048	CSI-CLI-03831786	CSI-CLI-06396290	CSI-CLI-06407290
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CSI-ANI-00434783	CSI-CLI-01752046	CSI-CLI-02257795	CSI-CLI-02418794	CSI-CLI-03802115	CSI-CLI-03831788	CSI-CLI-06396301	CSI-CLI-06407318
CSI-ANI-00434972	CSI-CLI-01752052	CSI-CLI-02257796	CSI-CLI-02421036	CSI-CLI-03802471	CSI-CLI-03831789	CSI-CLI-06396317	CSI-CLI-06407319
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CSI-ANI-00435188	CSI-CLI-01753145	CSI-CLI-02257799	CSI-CLI-02421044	CSI-CLI-03802966	CSI-CLI-03831792	CSI-CLI-06396358	CSI-CLI-06407408
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DOCUMENTS CONSIDERED - CISCO BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
CSI-ANI-00436215	CSI-CLI-01753778	CSI-CLI-02259661	CSI-CLI-02421368	CSI-CLI-03803196	CSI-CLI-03832130	CSI-CLI-06396467	CSI-CLI-06407789
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CSI-ANI-00437856	CSI-CLI-01753909	CSI-CLI-02259663	CSI-CLI-02421370	CSI-CLI-03803198	CSI-CLI-03832722	CSI-CLI-06396476	CSI-CLI-06407881
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CSI-ANI-00437977	CSI-CLI-01754300	CSI-CLI-02259665	CSI-CLI-02421372	CSI-CLI-03803200	CSI-CLI-03832729	CSI-CLI-06396492	CSI-CLI-06408011
CSI-ANI-00438039	CSI-CLI-01754306	CSI-CLI-02261568	CSI-CLI-02421373	CSI-CLI-03803200	CSI-CLI-03832730	CSI-CLI-06396501	CSI-CLI-06408016
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CSI-ANI-00438198	CSI-CLI-01755662	CSI-CLI-02262621	CSI-CLI-02422261	CSI-CLI-03803507	CSI-CLI-03832733	CSI-CLI-06396591	CSI-CLI-06408143
CSI-ANI-00438219	CSI-CLI-01756360	CSI-CLI-02262622	CSI-CLI-02422845	CSI-CLI-03803512	CSI-CLI-03832734	CSI-CLI-06396599	CSI-CLI-06408144
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CSI-ANI-00438841	CSI-CLI-01759224	CSI-CLI-02266328	CSI-CLI-02427595	CSI-CLI-03804504	CSI-CLI-03834444	CSI-CLI-06396714	CSI-CLI-06408693
CSI-ANI-00438981	CSI-CLI-01759230	CSI-CLI-02266329	CSI-CLI-02427636	CSI-CLI-03804595	CSI-CLI-03835003	CSI-CLI-06396719	
CSI-ANI-00439373	CSI-CLI-01759787	CSI-CLI-02266330	CSI-CLI-02427642	CSI-CLI-03804602	CSI-CLI-03835652	CSI-CLI-06396735	

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DOCUMENTS CONSIDERED - ARISTA BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
ANI-ITC-944_945-0000001	ANI-ITC-944_945-3449391	ANI-ITC-944_945-3739477	ARISTANDCA10199074	ARISTANDCA11447952	ARISTANDCA12316856	ARISTANDCA12963735	ARISTANDCA13154025
ANI-ITC-944_945-0000020	ANI-ITC-944_945-3451247	ANI-ITC-944_945-3893592	ARISTANDCA10199137	ARISTANDCA11447953	ARISTANDCA12316866	ARISTANDCA12963741	ARISTANDCA13154027
ANI-ITC-944_945-0000036	ANI-ITC-944_945-3453492	ANI-ITC-944_945-3893877	ARISTANDCA10199140	ARISTANDCA11448186	ARISTANDCA12318931	ARISTANDCA12963751	ARISTANDCA13154036
ANI-ITC-944_945-0000039	ANI-ITC-944_945-3457239	ANI-ITC-944_945-3893976	ARISTANDCA10199142	ARISTANDCA11448221	ARISTANDCA12318962	ARISTANDCA12963810	ARISTANDCA13154038
ANI-ITC-944_945-0000041	ANI-ITC-944_945-3457240	ANI-ITC-944_945-3894253	ARISTANDCA10199143	ARISTANDCA11448222	ARISTANDCA12318972	ARISTANDCA12963857	ARISTANDCA13154062
ANI-ITC-944_945-0000043	ANI-ITC-944_945-3457913	ANI-ITC-944_945-3895336	ARISTANDCA10199146	ARISTANDCA11448224	ARISTANDCA12318980	ARISTANDCA12963887	ARISTANDCA13154064
ANI-ITC-944_945-0000045	ANI-ITC-944_945-3458521	ANI-ITC-944_945-3895466	ARISTANDCA10199149	ARISTANDCA11448226	ARISTANDCA12321268	ARISTANDCA12963905	ARISTANDCA13154066
ANI-ITC-944_945-0000047	ANI-ITC-944_945-3458566	ANI-ITC-944_945-3897526	ARISTANDCA10199151	ARISTANDCA11448261	ARISTANDCA12321269	ARISTANDCA12963932	ARISTANDCA13154069
ANI-ITC-944_945-0000049	ANI-ITC-944_945-3460948	ANI-ITC-944_945-3897941	ARISTANDCA10199215	ARISTANDCA11448262	ARISTANDCA12321271	ARISTANDCA12963938	ARISTANDCA13154070
ANI-ITC-944_945-0000051	ANI-ITC-944_945-3461012	ANI-ITC-944_945-3898009	ARISTANDCA10199217	ARISTANDCA11448309	ARISTANDCA12368041	ARISTANDCA12963960	ARISTANDCA13154085
ANI-ITC-944_945-0000058	ANI-ITC-944_945-3461013	ANI-ITC-944_945-3898108	ARISTANDCA10199220	ARISTANDCA11448352	ARISTANDCA12368042	ARISTANDCA12963968	ARISTANDCA13154104
ANI-ITC-944_945-0000061	ANI-ITC-944_945-3461333	ANI-ITC-944_945-3898250	ARISTANDCA10199222	ARISTANDCA11448618	ARISTANDCA12368044	ARISTANDCA12964444	ARISTANDCA13154980
ANI-ITC-944_945-0000063	ANI-ITC-944_945-3463123	ANI-ITC-944_945-3898289	ARISTANDCA10199293	ARISTANDCA11448702	ARISTANDCA12372158	ARISTANDCA12964925	ARISTANDCA13155670
ANI-ITC-944_945-0000065	ANI-ITC-944_945-3464884	ANI-ITC-944_945-3900153	ARISTANDCA10199295	ARISTANDCA11452286	ARISTANDCA12372168	ARISTANDCA12964988	ARISTANDCA13155882
ANI-ITC-944_945-0000068	ANI-ITC-944_945-3468534	ANI-ITC-944_945-3915206	ARISTANDCA10199298	ARISTANDCA11452979	ARISTANDCA12372178	ARISTANDCA12967201	ARISTANDCA13155964
ANI-ITC-944_945-0000075	ANI-ITC-944_945-3468650	ANI-ITC-944_945-3923999	ARISTANDCA10199300	ARISTANDCA11452987	ARISTANDCA12372923	ARISTANDCA12967235	ARISTANDCA13166960
ANI-ITC-944_945-0000077	ANI-ITC-944_945-3469370	ANI-ITC-944_945-3931872	ARISTANDCA10199369	ARISTANDCA11453041	ARISTANDCA12372924	ARISTANDCA12967238	ARISTANDCA13166988
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ANI-ITC-944_945-0005396	ANI-ITC-944_945-3475749	ANI-ITC-944_945-3933818	ARISTANDCA10200238	ARISTANDCA11457333	ARISTANDCA12410833	ARISTANDCA12969900	ARISTANDCA13167041
ANI-ITC-944_945-0024338	ANI-ITC-944_945-3476566	ANI-ITC-944_945-3933852	ARISTANDCA10200281	ARISTANDCA11522487	ARISTANDCA12413115	ARISTANDCA12969930	ARISTANDCA13167052
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ANI-ITC-944_945-0714911	ANI-ITC-944_945-3490040	ANI-ITC-944_945-5096291	ARISTANDCA10200762	ARISTANDCA11882446	ARISTANDCA12453602	ARISTANDCA12971485	ARISTANDCA13365355
ANI-ITC-944_945-0714928	ANI-ITC-944_945-3490648	ANI-ITC-944_945-5104970	ARISTANDCA10201158	ARISTANDCA11882504	ARISTANDCA12453638	ARISTANDCA12971487	ARISTANDCA13380953
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ANI-ITC-944_945-0715132	ANI-ITC-944_945-3491021	ANI-ITC-944_945-5105764	ARISTANDCA10201181	ARISTANDCA11902839	ARISTANDCA12455667	ARISTANDCA12977859	ARISTANDCA13380958
ANI-ITC-944_945-0715203	ANI-ITC-944_945-3491023	ANI-ITC-944_945-5105770	ARISTANDCA10201258	ARISTANDCA11906828	ARISTANDCA12455687	ARISTANDCA12977903	ARISTANDCA13380959
ANI-ITC-944_945-0715291	ANI-ITC-944_945-3491069	ANI-ITC-944_945-5106294	ARISTANDCA10202778	ARISTANDCA11915840	ARISTANDCA12455756	ARISTANDCA12978998	ARISTANDCA13380963
ANI-ITC-944_945-0715341	ANI-ITC-944_945-3491915	ARISTANDCA00009488	ARISTANDCA10202787	ARISTANDCA11915846	ARISTANDCA12455757	ARISTANDCA12979042	ARISTANDCA13380965
ANI-ITC-944_945-0715390	ANI-ITC-944_945-3492159	ARISTANDCA00009519	ARISTANDCA10202799	ARISTANDCA11917013	ARISTANDCA12460950	ARISTANDCA12979897	ARISTANDCA13390230
ANI-ITC-944_945-0715479	ANI-ITC-944_945-3582774	ARISTANDCA00009527	ARISTANDCA10202817	ARISTANDCA11917024	ARISTANDCA12460990	ARISTANDCA12979898	ARISTANDCA13403318
ANI-ITC-944_945-0715572	ANI-ITC-944_945-3602135	ARISTANDCA00009534	ARISTANDCA10202826	ARISTANDCA11922934	ARISTANDCA12460991	ARISTANDCA12979906	ARISTANDCA13408789
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ANI-ITC-944_945-0784517	ANI-ITC-944_945-3604213	ARISTANDCA00009651	ARISTANDCA10212086	ARISTANDCA11973753	ARISTANDCA12460995	ARISTANDCA12980409	ARISTANDCA13425549
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ANI-ITC-944_945-0816461	ANI-ITC-944_945-3605427	ARISTANDCA00010590	ARISTANDCA10212108	ARISTANDCA11983657	ARISTANDCA12460999	ARISTANDCA13001202	ARISTANDCA13425616
ANI-ITC-944_945-0830909	ANI-ITC-944_945-3605429	ARISTANDCA00010591	ARISTANDCA10212112	ARISTANDCA11983659	ARISTANDCA12461000	ARISTANDCA13001203	ARISTANDCA13425618
ANI-ITC-944_945-0831018	ANI-ITC-944_945-3605911	ARISTANDCA00010605	ARISTANDCA10212117	ARISTANDCA11983679	ARISTANDCA12461001	ARISTANDCA13001237	ARISTANDCA13425678

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DOCUMENTS CONSIDERED - ARISTA BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
ANI-ITC-944_945-0831039	ANI-ITC-944_945-3607683	ARISTANDCA00010675	ARISTANDCA10212125	ARISTANDCA11983792	ARISTANDCA12461002	ARISTANDCA13001238	ARISTANDCA13426257
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DOCUMENTS CONSIDERED - ARISTA BATES STAMPED

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
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*Cisco Systems, Inc. v. Arista Networks, Inc.***DOCUMENTS CONSIDERED - ARISTA BATES STAMPED**

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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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Cisco Systems Inc. v. Arista Networks Inc.
DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
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DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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Cisco Systems Inc. v. Arista Networks Inc.
DOCUMENTS CONSIDERED - ARISTA RELATIVITY DATABASE DOCUMENTS

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Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
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Confidential Attorneys' Eyes Only Information

Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates	Bates
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DOCUMENTS CONSIDERED - DEPOSITIONS, LEGAL FILINGS, AND LAW

Depositions	Date
30(b)(6) Deposition of Adam Sweeney	5/13/2016
30(b)(6) Deposition of Anshul Sadana and Exhibits	5/26/2016
30(b)(6) Deposition of Anshul Sadana	5/27/2016
30(b)(6) Deposition of Gavin Cato	5/20/2016
30(b)(6) Deposition of Pradeep Kathail	5/27/2016
Deposition of Andreas Bechtolsheim	5/25/2016
Deposition of Carl Moberg and Exhibits	5/18/2016
Deposition of Deepak Malik and Exhibits	5/19/2016
Deposition of Jayshree Ullal and Exhibits	2/25/2016
Deposition of Jeffrey Birnbaum	5/17/2016
30(b)(6) Deposition of Beecher Adams and Exhibits	5/10/2016
Deposition of Mark Berly and Exhibits	4/5/2016
30(b)(6) Deposition of Johan Bevemyr	5/26/2016
30(b)(6) Deposition of John Hartingh and Exhibits	5/18/2016
Deposition of John Hartingh and Exhibits	5/18/2016
Deposition of Soni Jiandani and Exhibits	4/29/2016
Deposition of Anthony Li and Exhibits	2/1/2016
Deposition of Kirk Loughheed and Exhibits	11/20/2015
Deposition of Drew Pletcher	5/26/2016
Deposition on Anshul Sadana and Exhibits	3/17/2016
Deposition of Greg Satz and Exhibits	3/23/2016
Deposition of Terry Slattery and Exhibits	1/6/2016
Deposition of Adam Sweeney	1/29/2016
Deposition of Adam Sweeney	6/1/2016
Deposition of Balaji Venkatraman and Exhibits	5/2/2016
Legal Filings	Date
Cisco's Complaint for Copyright and Patent Infringement	12/5/2014
Cisco's First Set of ROGs to Arista (Nos. 1-13)	3/26/2015
Cisco's First Set of RFPs to Arista (Nos. 1-84)	3/26/2015
Arista's First Set of RFPs to Cisco (Nos. 1-70)	3/27/2015
Arista's First Set of ROGs to Cisco Systems (Nos. 1-15)	4/10/2015
Arista's Response to Cisco's First Set of ROGs (Nos. 1-13)	4/30/2015
Exhibit A to Cisco's Objections and Responses to Arista's First Set of Interrogatories	5/14/2015
Cisco's Second Set of RFPs to Arista (Nos. 85-102)	6/26/2015
Cisco's 2nd Set of ROGs to Arista (No. 14)	6/26/2015
Cisco's Second Amended Complaint for Copyright and Patent Infringement and Exhibits	7/23/2015
Arista's 2nd Set of ROGs to Cisco Systems (Nos. 16-17)	7/24/2015
Arista's 2nd Set of RFPs to Cisco Systems (Nos. 71-116)	7/24/2015
Arista's First Supplemental Responses to Cisco's First Set of ROGs (Nos. 1, 5, 8)	7/27/2015
Cisco's First Supplemental Response to ROG 2 - Exhibit B	8/7/2015
Cisco's First Supplemental Response to ROG 2 - Exhibit C	8/7/2015
Arista's 3rd Set of ROGs to Cisco Systems (No. 18)	8/18/2015
Arista's 3rd Set of RFPs to Cisco Systems (Nos. 117-129)	8/21/2015
Cisco's Objections & Responses to Arista's 2nd Set of ROGs (Nos. 16-17)	8/27/2015
Cisco's 2nd Supplemental Response to Arista's 1st Set of ROGs - Exhibit D	9/1/2015
Cisco's 2nd Supplemental Response to Arista's 1st Set of ROGs - Exhibit E	9/1/2015

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DOCUMENTS CONSIDERED - DEPOSITIONS, LEGAL FILINGS, AND LAW

Arista's 1st Supplemental Response to Cisco's 2nd Set of ROGs (No. 14)	9/18/2015
Arista's 2nd Supplemental Response to Cisco 1st Set of ROGS (Nos. 1, 5-6, 9-10, 12-13)	9/18/2015
Cisco 3rd Set of ROGs to Arista (Nos. 15-16)	9/18/2015
Cisco's Response to Arista's 3rd Set of ROGs (No. 18)	9/21/2015
Cisco's 4th Supplemental Responses to Arista's 1st Set of ROGs (Nos. 1-15)	10/14/2015
Cisco's Exhibit F to Rog Responses (No. 16)	10/14/2015
Arista's 4th Set of ROGs to Cisco (No. 19)	10/20/2015
Arista's Responses to Cisco's 3rd Set of ROGs (Nos. 15-16)	10/22/2015
Cisco's 5th Supplemental Responses to Arista 1st Set of ROGs (Nos. 1-15)	11/2/2015
Cisco Response to Rog 18 - First Supplemental Response	11/8/2015
Cisco's 6th Supplemental Objections & Responses to Arista's 1st Set of ROGs (Nos. 9-10)	11/11/2015
Cisco's 3rd Supplemental Responses to Arista's 2nd Set of Interrogatories (No. 16)	11/23/2015
Cisco's Corrected Responses to Arista's 4th Rogs (No. 19)	11/24/2015
Cisco's 7th Supplemental Responses to Arista's 1st Set of Rogs (No.2)	1/5/2016
Arista's 4th Supplemental Response to Cisco's First Set of ROGs (No. 11)	1/11/2016
Defendant Arista Networks, Inc.'s 5th Supplemental Responses to Plaintiff Cisco System Inc.'s 1st Set of Interrogatories (Nos. 9, 10, 12 & 13)	1/19/2016
Arista's 2nd Supplemental Response to Cisco's 3rd Set of Rogs	1/19/2016
Arista's 6th Supplemental Response to Cisco's 1st Set of Rogs	2/19/2016
Arista's Fifth Set of ROGS to Cisco (No. 20)	3/3/2016
Cisco's 4th Set of Interrogatories (Nos. 17-21)	3/21/2016
Arista's 8th Supplemental Response to Rog No. 9	3/28/2016
Cisco's 5th Rogs to Arista (Nos. 22-27)	3/30/2016
Arista's 6th Set of ROGS to Cisco (Nos. 21-25)	3/30/2016
Cisco's 8th Response to 2nd Rogs (No. 16)	4/3/2016
Cisco's 8th Response to 2nd Rogs (No. 16), Eighth Supplemental Exhibit F	4/3/2016
Cisco's Response to Fifth Rogs (No. 20)	4/7/2016
Arista's 9th Supplemental Response to Rog No.9	4/26/2016
Defendant Arista Network Inc.'s Responses to Plaintiff Cisco Systems, Inc.'s Fourth Set of Interrogatories (Nos 17-21)	5/9/2016
Arista's Response to Cisco's 5th Set of ROGS (22-27)	5/9/2016
Cisco's Objections and Responses to 6th Interrogatories	5/9/2016

Case Law and Statutes

17 U.S.C. § 107
 Arica Inst., Inc. v. Palmer, 970 F.2d 1067, 1078 (2d Cir. 1992)
 Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994).
 Dr. Seuss Enters., L.P. v. Penguin Books USA, Inc., 109 F.3d 1394, 1399 (9th Cir. 1997)
 Fox Broad. Co. v. Dish Network L.L.C., 723 F.3d 1067, 1074 (9th Cir. 2013)
 Harper & Row, Publishers, Inc. v. Nation Enters., 471 U.S. 539, 567, 568 (1985)
 Lamb v. Starks, 949 F. Supp. 753, 757 (N.D. Cal. 1996)
 Princeton Univ. Press v. Mich. Document Servs., Inc., 99 F.3d 1381, 1387-1388 (6th Cir. 1996)
 Sega Enterprises Ltd. v. Accolade, Inc., 977 F.2d 1510 (1992)
 Seltzer v. Green Day, Inc., 725 F.3d 1170, 1175 (9th Cir. 2013)
 Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984)
 Twentieth Century Music Corp. v. Aiken, 422 U.S. 151, 156, 95 S. Ct. 2040, 2044, 45 L. Ed. 2d 84 (1975)
 Wright v. Warner Books, Inc., 953 F.2d 731, 739 (2d Cir. 1991)

Cisco Systems, Inc. v. Arista Networks, Inc.

DOCUMENTS CONSIDERED - OTHER SOURCES

Other Expert Reports	Date
Expert Report of John Black	6/3/2016
Expert Report of William Seifert	6/3/2016

Web Sources
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Cisco Systems, Inc. v. Arista Networks, Inc.

DOCUMENTS CONSIDERED - OTHER SOURCES

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Other Documents

Frost & Sullivan, World Enterprise Router Markets, 2006
The Complete IS-IS Routing Protocol, Hannes Gredler, Walter Goralski

Appendix B



OCEAN TOMO™
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CATE ELSTEN **CURRICULUM VITAE**

June 2016

Cate Elsten is a Managing Director for Ocean Tomo, an integrated intellectual property consulting firm providing financial products and services including expert testimony, valuation, investments, risk management and transactions.

Ms. Elsten has been a consultant since 1990. She was a Principal for Tait Advisory Services and led that firm's Intellectual Property Practice prior to its acquisition by Ocean Tomo. Before joining Tait, Ms. Elsten was a Partner in PricewaterhouseCoopers' Financial Advisory Services Practice, working with intellectual property of all types and serving as National Director for Trademark and Copyright matters. Ms. Elsten worked in industry for twelve years before beginning her consulting career and held management positions for companies including Playhouse Square Center, Dayton-Hudson Corporation's Target Stores Division (now Target Corporation), Aveda Corporation (now a division of Estée Lauder) and Sign Consultants, Inc.

Ms. Elsten has provided services including expert testimony, valuation and licensing, strategic and operational consulting for companies in a wide range of industries, including biotechnology, software, medical devices and equipment, high-tech and traditional manufacturing, agriculture and food processing, pharmaceuticals, financial services, retail, hospitality, telecommunications, media and entertainment. She has testified on issues informing economic damages, marketing and industry trends, licensing and management practices, corporate and intellectual asset valuations and plans of reorganization in depositions, trials, arbitrations, bankruptcy courts and other settings. She has also served as an AAA arbitrator.

Ms. Elsten is a Certified Management Accountant and a Certified Licensing Professional. She is a member of the International Trademark Association, the Licensing Executives Society and the American Marketing Association. She served three consecutive terms on the editorial board of The Trademark Reporter and on the Board of Governors for the Brand Name Education Foundation. She has lectured on a variety of intellectual property topics for the Los Angeles and Orange County Patent Lawyers Associations, Minnesota Institute of Legal Education, Institute for International Research, International Business Forum and other professional organizations and universities.

PROFESSIONAL EXPERIENCE

Managing Director, *Ocean Tomo*
2003 to present

Principal, *Tait Advisory Services, LLC*
2001-2003

Partner (Principal), *PricewaterhouseCoopers, LLP*
Director, *Coopers & Lybrand, LLP*
1992-2001



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Senior Manager, *Ernst & Young, LLP*
1990-1992

Chief Operating Officer, *Sign Consultants, Inc.*
1989-1990

Manager of Financial and Strategic Planning, *Aveda Corporation*
1988-1989

Senior Corporate Sales and Marketing Analyst, *Dayton-Hudson Corporation,*
Target Stores Division
1984-1988

Chief Financial Officer, *Playhouse Square Center*
1981-1984

EDUCATION

University of Wisconsin-Madison, M.A. - Business. Graduated 1981. Beta Gamma Sigma.

Oberlin College, B.A. Graduated 1979. Phi Beta Kappa.

**ACTIVE
MEMBERSHIPS**

International Trademark Association
Licensing Executives Society
American Marketing Association

**PUBLICATIONS
(Past Ten Years)**

“Design in Three Dimensions: Choices and Challenges for Legal Protection”, IAM Intellectual Asset Management, Issue 66, July/August 2014, Michael Jaynes, co-author

“Bubbles and Squeaks: ‘Irrational Exuberance’ and Its Impact (or Lack Thereof) on Damages Under the Lanham Act in the Dot.Com Era,” The Trademark Reporter, Vol. 95, No. 5. Robert Morrill and Kevin Arst, co-authors



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**EXPERT
TESTIMONY**

Koninklijke Philips N.V. v. Hunt Control Systems, Inc.
Venue: U.S. District Court of New Jersey

*Bio-Rad Laboratories, Inc. & Bio-Rad QL, Inc. v. Serge Saxonov, Benjamin Hindson
& Kevin Ness*
Venue: American Arbitration Association

*Masimo Corporation and Cercacor Laboratories, Inc. v. Nova
Biomedical Corporation*
Venue: JAMS International Arbitration

Lending Tree LLC v. Zillow, Inc. et al.
Venue: Western District of North Carolina

Seed Company Ltd. and Shigeru Tamai v. William F. Westerman, et al.
Venue: Federal Court, District of Columbia

MicroUnity Systems Engineering, Inc. v. Apple, Inc., AT&T Inc., et al.
Venue: Federal Court, Eastern District of Texas

Tektronix, Inc. v. Sypris Solutions, Inc.
Venue: Arbitration, San Francisco, CA

Genentech, Inc. v. The Trustees of the University of Pennsylvania
Venue: Federal Court, Northern District of California

Quest Software, Inc. v. Centrifly Corporation
Venue: Federal Court, District of Utah, Central Division

Bauer Bros. LLC v. Nike, Inc.
Venue: Federal Court, Southern District of California

*In the Matter of Certain Electronic Devices with Multi-touch Enabled Touchpads and
Touchscreens*
Venue: ITC

Conceptus, Inc. v. Hologic, Inc.
Venue: Federal Court, Northern District of California

Attachmate Corporation v. HealthNet, Inc.
Venue: Federal Court, Western District of Washington

STMicroelectronics, Inc. v. Eliyabou Harari, SanDisk Corporation et al.
Venue: California State Court, County of Santa Clara



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Zimmer Melia and Zimmer U.S., Inc. v. Kirkland Stallings and Stallings & Assoc.

Venue: Federal Court, Middle District of Tennessee

Fields Medical Corp. et al. v. Kirkland Stallings and Stallings & Assoc.

Venue: Jefferson County, Kentucky Circuit Court

Alfred E. Mann Foundation for Scientific Research v. Cochlear Corporation

Venue: Federal Court, Central District of California

PaTalk Holdings, Inc. v. Microsoft Corporation

Venue: Federal Court, Eastern District of Texas

Crocs, Inc. v. Australia Unlimited, Inc.

Venue: Federal Court, District of Colorado

Northbrook Digital Corporation v. Browster, Inc

Venue: Federal Court, District of Minnesota

Medtronic AVE et al. v. Cordis Corporation

Venue: Federal Court, Eastern District of Texas

Boston Scientific Corporation et al. v. Johnson & Johnson and Cordis Corporation

Venue: Federal Court, Northern District of California

Avago Technologies General IP PTE Ltd. & Avago Technologies ECBU IP PTE

Ltd. v. Elan Microelectronics Corp. and Elan Information Technology Group

Venue: Federal Court, Northern District of California

Timeline, Inc. v. ProClarity Corporation

Venue: Federal Court, Western District of Washington

Hitachi, Ltd. and Hitachi Automotive Products (USA), Inc. v. BorgWarner Inc. and

Borg Warner Morse Tec Inc.

Venue: Federal Court, Delaware

Cache la Poudre Feeds, L.L.C. v. Land O'Lakes, Inc. et al.

Venue: Federal Court, District of Colorado

Peter A. Hochstein et al. v. Microsoft Corporation

Venue: Federal Court, Eastern District of Michigan, Southern Division

ICON Health & Fitness, Inc. v. The Nautilus Group, Inc. et al.

Venue: Federal Court, District of Utah

Linear Technology Corporation v. Micrel, Inc.

Venue: Federal Court, Northern District of California, San Francisco



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CIVIX-DDI, LLC v. Expedia, Inc. et al.

Venue: Federal Court, Northern District of Illinois

Applied Medical Resources Corp. v. Ethicon Endo-Surgery, Inc.

Venue: Federal Court, Central District of California

Mylan Pharmaceuticals Inc. v. The Procter & Gamble Company

Venue: Federal Court, Southern District of New York

S&M NuTec, LLC v. T.F.H. Publications, Inc.

Venue: Federal Court, Western District of Missouri

Hi-Shear Technology Corporation v. United Space Alliance LLC and USBI Co.

Venue: Circuit Court, Brevard County Florida

Boston Scientific Corporation and Target Therapeutics, Inc. v. Cordis Corporation

Venue: Federal Court, Northern District of California

*Schwan's IP, LLC and Schwan's Consumer Brands North America, Inc. v. Kraft
Pizza Company*

Venue: Federal Court, Minnesota

The Nautilus Group, Inc v. Icon Health & Fitness, Inc.

Venue: Federal Court, Western District of Washington

AT&T v. Microsoft Corporation

Venue: Federal Court, Southern District of New York

Mastercard Int'l, Inc. v. First National Bank of Omaha

Venue: Federal Court, Southern District of New York

Greenlight Financial Services, Inc. v. Hartford Casualty Insurance Company

Venue: Federal Court, Central District of California

GFI America, Inc. v. Tecumseh Poultry LLC

Venue: Federal Court, Minnesota

Knot Just Beads v. Knot Just Beads, Inc.

Venue: District Court, Alabama

Imageexpo LLC v. Microsoft Corporation

Venue: Federal Court, Eastern District of Virginia

On-Line Technologies, Inc. v. Perkin-Elmer Corporation et al.

Venue: Federal Court, District of Connecticut



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ATC Distribution Group, Inc. v. WTTT et al.

Venue: Federal Court, Western District of Kentucky

Gold Banc Corporation, Inc. v. Credit Union National Association, Inc.

Venue: Federal Court, District of Kansas

A&A Mechanical, Inc. v. Thomas & Betts

Venue: Federal Court, Western District of Kentucky

General Data Company Inc. v. Solway Paperboard Company, L.L.C.

Venue: Federal Court, Southern District of Ohio, Western Division

We Media, Inc. v. Cablevision Systems Corp. et al.

Venue: Federal Court, Southern District of New York

Vicki D. Smith v. Matber Hamilton & Co., et al.

Venue: Circuit Court, Jefferson County, Kentucky

Halston LLC v. HF6, Inc. and Heller Financial, Inc.

Venue: Federal Court, Southern District of New York

Thomas Horn et al. v. Robert B. McQueen et al.

Venue: Federal Court, Western District of Kentucky

Luigino's, Inc. v. Robert Peterson and IBP, Inc.

Venue: Federal Court, District of Minnesota

Heidi Ott A.G. and Heidi Ott v. Target Corporation, et al.

Venue: Federal Court, District of Minnesota

Monsanto Company v. Pioneer Hi-Bred International, Inc.

Venue: Federal Court, Eastern District of Missouri

Simon Property Group, LP v. mySimon, Inc.

Venue: Federal Court, Southern District of Indiana

Pioneer Hi-Bred International, Inc. v. Monsanto Company

Venue: Federal Court, Eastern District of Missouri

Scott Schroering et al. v. KFS et al.

Venue: Jefferson County Circuit Court, Kentucky

Darrel Lemon v. Prince Rogers Nelson, et al.

Venue: Federal Court, Western District of Washington

Wrench LLC et al. v. Taco Bell Corporation

Venue: Federal Court, Western District of Michigan



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Ferdinand Picket v. Prince Rogers Nelson

Venue: Federal Court, Northern District of Illinois

Oreck Corporation v. Wal-Mart Stores, Inc.

Venue: Federal Court, Eastern District of Louisiana

Conco, Inc. v. General Dynamics Ordnance Systems, Inc. and Lockheed Martin Ordnance Systems, Inc

Venue: Jefferson County Circuit Court, Kentucky

EG&G Instruments, Inc. v. Canberra Industries, Inc.

Venue: Federal Court, Eastern District of Tennessee

KCJ Corporation v. Kinetic Concepts, Inc., et al

Venue: Federal Court, District of Kansas

StairMaster Sports/Medical Products, Inc. v. Groupe Procycle, Inc. and Procycle U.S.A., Inc

Venue: Federal Court, Western District of Washington

Spec-Mix, Inc. v. Midwest Premix, Inc. and Midwest Block & Brick, Inc.

Venue: Federal Court, Western District of Missouri

F.J. Joseph Inc. v. Lida Advertising, Inc.

Venue: Federal Court, District of Kansas

Graphic Technologies, Inc. v. Pitney Bowes, et al

Venue: Federal Court, District of Kansas

Hillerich & Bradsby v. Heavy Hitter Industries and the Major League Baseball Players Association

Venue: Federal Court, Western District of Kentucky

Perfume Pizazz, Inc. v. The May Department Stores Company

Venue: Greene County Circuit Court, Missouri

Fireplace Manufacturers, Inc. vs. Hearth Technologies, Inc.

Venue: Federal Court, District of Minnesota

In re: Worth A. Sallee et al

Venue: Federal Bankruptcy Court, Western District of Kentucky

In re: Drivers & Drivers Diversified, Inc.

Venue: Federal Bankruptcy Court, Western District of Kentucky

Ostex International, Inc. v. Boehringer-Mannheim

Venue: Arbitration, Seattle, Washington



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Straight Arrow Products, Inc. v. Miriam Collins Palm Beach Beauty Products Company

Venue: Federal Court, Eastern District of Pennsylvania

Stout Industries, Inc. v. Anheuser-Busch, Inc.,

Venue: Circuit Court of the City of St. Louis, MO

Porous Media Corporation v. Pall Corporation

Venue: Federal Court, District of Minnesota

Travelers Express Company, Inc. v. American Express Integrated Payment Systems, Inc.

Venue: Federal Court, District of Minnesota

Jurgens v. CBK, Inc.

Venue: Federal Court, Western District of Tennessee

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